CALL TO ORDER/ROLL CALL:
Hunter, Belzer, Hoyt, Pateidl, Elkins, Strauss, Coleman, Block, Stevens

APPROVAL OF THE AGENDA:

APPROVAL OF MINUTES:
Approval of minutes from the September 25, 2018 Planning Commission meeting.

CONSENT AGENDA:
CASE 118-18 – NALL VALLEY SHOPS – BURG & BARREL PATIO – Request for approval of a Final Plan, located north of 151st Street and east of Nall Avenue.

NEW BUSINESS:
CASE 114-18 – TOWN CENTER PLAZA – LOT 4 REDEVELOPMENT – Request for approval of a Preliminary Plan, Final Plan and Final Plat, located north of 119th Street and east of Nall Avenue. **PUBLIC HEARING**

CASE 115-18 – RANCH MART NORTH SHOPPING CENTER – REDEVELOPMENT – Request for approval of a Rezoning, Preliminary Plan, Preliminary Plat and Special Use Permit, located north of 95th Street and east of Mission Road. **PUBLIC HEARING**

CASE 116-18 – THREE HALLBROOK PLACE – Request for approval of a Preliminary Plan and Preliminary Plat, located south of College Boulevard and west of State Line Road. **PUBLIC HEARING**

CASE 113-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-5.3, R-1 (PLANNED SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT)(15,000 SQ. FEET PER DWELLING) – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to exceptions to side yard setbacks. **PUBLIC HEARING**

ADJOURN REGULAR MEETING:
Meetings will end at 9:00 p.m. unless the Commission votes to extend the meeting for a period of thirty (30) minutes. An additional thirty (30) minute extension, for a maximum of two (2) extensions, may be voted by the Commission members.
The Leawood Planning Commission is a nine member non-partisan body whose members are appointed by the Mayor and confirmed by the Governing Body.

The Planning Commission prepares the Comprehensive Plan that is used as a general guide for the development of the community. The Comprehensive Plan is reviewed and updated annually as part of the commission's ongoing process of evaluating trends and patterns. The Commission also reviews all zoning, special use permit, and site plan and plat applications prior to making recommendations to the governing body for final action.

The regular scheduled public meetings of the Planning Commission are held at 6:00 PM on the fourth Tuesday of each month in the City Council chambers, 4800 Town Center Drive. The Commission may also conduct a study session followed by a meeting on the second Tuesday of each month.

Anyone wishing to appear on the Planning Commission agenda or study session agenda should contact Planning Services at (913) 339-6700.

REZONING AND SPECIAL USE PERMIT PROCEDURES FOR LEAWOOD, KANSAS

Newspaper publications: The city will be responsible for publishing the notice of public hearing in the official City newspaper not less than 20 days prior to the end of the public hearing.

Posting of the sign: Upon submission of the application, the City will supply the applicant with a sign to be posted on the property. The sign must be posted not less than 20 days prior to the public hearing.

Letters of notification: The applicant will be responsible for mailing notices by certified mail, return receipt requested, of the proposed zoning change to all land owners located within 200 feet of the area proposed to be altered. These notices must be sent a minimum of 20 days prior to the Planning Commission hearing.

Public hearing: The Planning Commission hears all zoning requests, hearing from the applicant and anyone in the audience wishing to speak for or against the proposal. The Commission will then make a recommendation for approval or denial to the City Council or continue the application to another Planning Commission agenda. The following is an outline of the public hearing process.

1. Staff summarization of comments and recommendations.
2. Applicant presentation and response to staff comments and recommendations.
3. Public Hearing
   a. Anyone wishing to speak, either in favor or in opposition has an opportunity to speak.
   b. It is appreciated if the speakers keep repetition to a minimum.
4. The applicant will have an opportunity to respond to points raised during the hearing.
5. Planning Commission discussion.
6. Motion and second by the Planning Commission.
7. Planning Commission discussion of motion.
8. Planning Commission vote on the motion.

Protest period: Certain property owners may file a petition protesting the application within 14 days after the close of the Planning Commission public hearing. The petition must be signed by the owners of record of 20% or more of any real property proposed to be rezoned, or by the owners of record of 20% or more of the total real property within the area required to be notified in Article 16-5-4.1 of the proposed zoning of specific property, excluding streets and public ways and property excluded pursuant to 16-5-4.3.

City Council Action: After the protest period has concluded, the application will be placed on an agenda for a City Council meeting. The Council may then take action on the proposal. The Council may approve the Planning Commission’s recommendation, or it may amend and approve or remand the proposal to the Planning Commission for further consideration.

In Chairman Elkins’ absence, Vice-Chairman Pateidl served as Chairman.

APPROVAL OF THE AGENDA:

Chairman Elkins: I see we have some documents. Would you care to explain any changes?

Mr. Klein: There are no changes to the agenda; however, there are documents concerning Case 107-18. When we get to that application, we can explain further.

Chairman Elkins: If there are no other changes, I would entertain a motion to approve.

A motion to approve the agenda was made by Strauss; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Hoyt, Strauss, Coleman, Block, and Stevens.

APPROVAL OF MINUTES: Approval of the minutes from the August 28, 2018 Planning Commission meeting.

Chairman Pateidl: Does anyone care to make corrections to the minutes? Seeing no changes, I would entertain a motion.

A motion to approve the minutes from the August 28, 2018 Planning Commission meeting was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Hoyt, Strauss, Coleman, Block, and Stevens.

CONSENT AGENDA:

Chairman Pateidl: Does anyone wish to pull this item for discussion? If not, I would entertain a motion.

CASE 110-18 – MHC FINANCIAL SERVICES – WALL SIGN – Request for approval of a Final Sign Plan, located south of College Boulevard and east of Roe Avenue.
A motion to approve the Consent Agenda was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Hoyt, Strauss, Coleman, Block, and Stevens.

NEW BUSINESS:
CASE 105-18 – VILLAGE OF SEVILLE – WINDY CITY BAR & GRILL OUTDOOR PATIOS – Request for approval of a Final Plan – located north of 133rd Street and west of State Line Road.

Staff Presentation:
City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 105-18 – Windy City Pub – Outdoor Patios – Request for approval of a Final Plan. Windy City Pub is located north of 133rd Street and west of State Line Road within the Village of Seville. The applicant is requesting approval of two exterior patios and patio furniture to be placed within gated patio areas. One patio is proposed on the east side of the building, which is adjacent to the main entrance. The other is proposed on the southern side of the building, which is adjacent to a drive that provides access to the rear of the building. Each patio is proposed to seat up to 18. There will be a combination of low- and high-top tables. The patios will require new pilaster in the corners in order to support the 4’ aluminum fence surrounding the patios. These will be faced in natural stone to match the existing façade within the Village of Seville. Staff has concerns regarding the southern patio location. This patio would require food and drink to be served out of the main entrance of the pub, as there is no direct doorway access onto the southern patio. Staff wishes to ensure the applicant complies with any alcohol beverage control standards that may exist regarding that. The southern patio location may also eliminate any future sidewalk connection along the south side of the building. Currently, the sidewalk stubs out near the eastern corner of the south side and does not connect across the southern end. The application is in compliance with the Leawood Development Ordinance (LDO), and staff recommends approval of Case 105-18 with the stipulations in the Staff Report.

Comm. Block: Does the callout for the front door need to be included as a stipulation, or is it enough just to include it in this report?

Ms. Schuller: We reached out to Alcohol Beverage Control (ABC) and didn’t get a response. We didn’t include a stipulation because we weren’t sure it was an issue, but it is something the applicant should be aware of.

Comm. Hoyt: You also mentioned a concern about the elimination of the sidewalk potential. Is it not a level of concern that would require a stipulation?

Mr. Klein: It is just to make the Planning Commission and Governing Body aware that the patio precludes future connection to the rear.
Chairman Pateidl: Are there any other questions? Would the applicant care to respond?

Applicant Presentation:
John Davidson, Davidson Architecture and Engineering, 4301 Indian Creek Parkway, appeared before the Planning Commission and made the following comments:

Mr. Davidson: I’m here on behalf of Mr. Withers, who is at his grand opening tonight. We agree with all of staff’s comments. The sidewalk in question leads to the back of the building into the trash dumpster. There is really no access needed, so we don’t see it as an issue, but we understand the concern. We also understand the concern about alcohol being served outside, and we will abide by whatever ABC requires. We’d be happy to answer any questions.

Chairman Pateidl: Are there any questions of the applicant? To be clear, you are in agreement with all six stipulations?

Mr. Davidson: We are.

Comm. Block: To serve the patio, there is a door that goes from the inside. Is there a secondary door coming from the private dining room that also accesses the patio?

Mr. Davidson: No; there is a gate that accesses it from the front of the building from the outside but not from the inside.

Chairman Pateidl: Are there other questions for the applicant? Is there discussion regarding the application? I would entertain a motion.

A motion to recommend approval of CASE 105-18 – VILLAGE OF SEVILLE – WINDY CITY BAR & GRILL OUTDOOR PATIOS – Request for approval of a Final Plan – located north of 133rd Street and west of State Line Road – with six stipulations - was made by Hoyt; seconded by Strauss. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Hoyt, Strauss, Coleman, Block, and Stevens.

CASE 106-18 – INDIAN CREEK ELECTRICAL SUBSTATION – Request for approval of a Final Plan, located south of I-435 and east of Mission Road.

Staff Presentation:
City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 106-18 – Indian Creek Electrical Substation – Request for approval of a Final Plan, located south of I-435 and east of Mission Road. The applicant is requesting approval for a public utility facility to be operated by KCP&L, which will be located within the Johnson County Wastewater Treatment Facility. This facility was approved by the Governing Body on March 5, 2018. During the preliminary stages of the wastewater facility, it was noted that additional power was needed for the project
expansion. A Preliminary Plan and Special Use Permit were approved by the Governing Body for the substation on January 9, 2018. Three deviations were granted at that time during the preliminary phases of the project. The first deviation stated that the applicant would not have to bury the overhead wires for the substation. The second deviation allowed for an increase in height of structures that would allow for the project to go to 110’ at its highest point. The third deviation allowed for the 110’ tall structure to encroach into the side setback, so as not to create a need for an additional above-ground structures with a greater quantity of overhead electrical wires. The substation will be located where a detention pond is currently located and will be within the northeast section of the Johnson County Wastewater facility. The substation facility is approximately 340’x200’. The substation will contain a multitude of structures, ranging in height from 11’-90’ within the substation and 100’-110’ outside the substation. These structures are located on the northeast and northwest of the proposed substation. The substation will also be surrounded by an 8’ tall fence around their perimeter. The applicant is also proposing ten 18’ tall pole-mounted light fixtures within the substation that will be accessed by two gates on the west side, both 20’ in width. The project meets all regulations per the LDO, and staff recommends approval of Case 106-18 with the stipulations listed in the Staff Report. I’d be happy to answer any questions.

Chairman Pateidl: Are there questions?

Comm. Strauss: I meant to look it up, but the Fire Chief says that he approves the omission of the Knox Box. What is that?

Mr. Klein: It is a box that contains an access code to enter the gate. Often with private streets or private drives, a Knox Box is required to ensure emergency vehicle access. In this particular situation, since it had a lot of electrical equipment, the Fire Marshal decided it would be better to not require it because KCP&L could handle the emergency rather than endanger the firefighters.

Comm. Strauss: This is still secured, though?

Mr. Klein: This is secured, yes. There are two fences that go around it.

Comm. Strauss: Maybe I’m understanding it wrong. It looks like this facility is in a lagoon. Is it a dry bed?

Mr. Klein: That was the only aerial we had. That lagoon is gone as part of the area improvements.

Comm. Block: I had trouble reconciling the chart at the bottom of Page 4. It refers to the tallest structure with 105’ required and 25’ provided and compliance. There was no explanation. Then, it talks about 105’ and 543’. I wasn’t following that.

Mr. Sanchez: This chart is listing what is required of the tallest structure. Since these structures are higher than the allowed height within the Agriculture zoning, for every foot
of height that they get, they have to be set back an additional foot. In the chart, it shows the required setback and the actual setback.

**Comm. Block:** Those two that I mentioned were accurate?

**Mr. Klein:** Yes, and some deviations were approved at the time for Johnson County Wastewater. Some poles are taller. Governing Body approved up to 110’ feet in height. One of the poles ended up being 110’; the other one is 100’.

**Comm. Block:** How does 110’ compare to what is there today?

**Mr. Klein:** I believe that they might be able to answer better. It is about 79’ in height.

**Chairman Pateidl:** I want to follow up on that, particularly on the comment about the tallest structure at 105’ and required 25’, and then it’s blank. Was the deviation granted for that?

**Mr. Klein:** Yes. Those should have been on the same line; it just had two lines with one looking like a blank.

**Chairman Pateidl:** I would encourage you to complete that box about a deviation granted. It was the same question in my mind. Are there other questions?

**Mr. Sanchez:** Planning staff did want to note that Stipulation No. 10 should be deleted. It is a copy of No. 2. Stipulation No. 14 should read, “Through Stipulation Nos. 1-13.”

**Chairman Pateidl:** As long as we are in the stipulation section, I am going to refer to No. 11. It reads, “The applicant shall obtain all approvals and permits from the Public Works Department, per the Public Works memo on file with the City of Leawood Department of Community Development prior to the issuance of a building permit.” My only concern with that is the lack of specificity. We have a letter that outlines several points that are actually inclusions to the stipulations, but we don’t specifically refer to that letter. Personally, I think we would do ourselves better to either reference this as a copy attached or the specific date of that letter.

**Mr. Klein:** I understand what you’re saying. This is a standard stipulation that we’ve had. I know we worked with legal counsel. I can check to make sure.

**Chairman Pateidl:** Because there are several specific points contained in that letter, I think it’s important to identify. Thank you. Is the applicant here?

**Applicant Presentation:**
Tammy Lorenzen with Johnson County Wastewater, 4800 Nall, Mission, KS, and Chris Cook, KCP&L, 4400 E. Front Street, Kansas City, MO, appeared before the Planning Commission and made the following comments:
Ms. Lorenzen: Today, we are just here to talk about the Final Development Plan for this electrical substation. Again, the plan has already been approved for the proposed Tomahawk Creek Wastewater Facility improvements, including the Landscape Plan. All of the stipulations that are pertinent to that are already approved under Case NC03-18. As staff alluded to, the reason the substation is required is that the existing distribution lines that served the old facility did not have the capacity available to provide the peak power that is needed for the future facility. Through various evaluations with KCP&L, we determined that this was the best, lowest-cost, most reliable solution for our customers. With that, I will turn it over to Chris Cook.

Mr. Cook: (Refers to photo) The aerial view shows the substation and the two 90’ structures discussed. There is a lightning mass for lightning protection in the center. Staff showed their locations in the substation. These are elevation views of each section. The transmission line section of the substation shows the structure at 90’ elevation on top of concrete. There are two different bus heights: 16’ and 23’. The elevation shows the transformer and switchgear elevations from 23’ down to a height of 15’ for the top of the incoming conductor. We also made some modifications from the previous design with an 8’ chain link fence with 3” mesh. It will prevent people from climbing and trying to cut the chain link. We went through this change on all our substations 6-7 years ago. There is no barbed wire. The 16’ bus height section to the south of the substation with the 90’ lightning mast in the background. The 3D images show a southeast perspective and the two substation dead-ends inside the sub with transmission lines going out to pick up the transmission structures. The one in the middle on the transmission structure is the 100’ one, and the one to the east is the 110’ structure. The reason the heights of the structures are given on the transmission is to provide clearance from the transmission conductors to the ground. This is a national electric safety code we must comply with. From the northwest looking into the sub, it shows two substation dead-ends and a lightning mast in the background. You mentioned the Knox Box. Since this is electrical, if there is a fire inside the substation, we need qualified personnel in that substation to deenergize what is on fire to make sure that, when the firefighters to do in, it is safe for them to put water on it since it is somewhat of a conductive medium. We have alarms in this facility so if anything does trip open, we will already have people dispatched to the substation prior to the firefighters getting there.

Typical single-pole transmission structures have galvanized steel, so they are grey in color. The rest of the equipment is depicted on the elevation. Our design was a three-pole structure to the east, and we are removing it because it had guy wires. We are rolling the conductors up from a flat orientation to a vertical orientation. We are turning the corner and coming in to the substation. If we do this design, we eliminate a lot of the need for guy wires. That allowed for a single pole with a foundation and no guy wires coming off the structures.

We are starting now on the design. We’re scheduled to put this in service in September 2020. The main concern we usually have with putting in substations is the delivery time. A lot of this material has a long lead time, so some of our material would be a year. It takes a while for material to get ordered and received. I’d stand for questions.
Comm. Coleman: Mr. Ley put a report together, and he said that Johnson County is constructing a bypass channel on the north side of the treatment plant to convey the stormwater around the treatment plant. He also says that the equipment will be 3’ or more above the 100-year water surface elevation. Obviously, that area floods regularly. If the water does get up to the level of the substation, what action plan do you have to shut it down at that point?

Mr. Cook: A lot of the equipment is elevated, especially in the control house. We have other areas that are prone to flooding. If we do realize there are floods, we will have crews out there switching the load off it and transferring it to other circuits. I don’t know what the plant would do in that situation, but they would probably have to shut down in that respect. We would have to turn it off.

Ms. Lorenzen: Actually, the improvements at the entire site are designed to not only be 3’ above the 100-year line but also above the 500-year. If the whole plant flooded to the point that it would impact the substation, we would be looking at such a historic flooding event that there would be catastrophic damage throughout the area.

Chairman Pateidl: Are there any other questions? Thank you. It looks like the substation is quite a project.

Mr. Cook: Yes, it is.

Chairman Pateidl: Are there any discussions regarding this plan? I would entertain a motion. We’ve had discussions regarding the stipulations.

Ms. Lorenzen: I would point out that the Landscaping Plan has already been approved under a previous case for the entire facility. We would ask that Stipulation Nos. 3, 7, and 8 be struck because they are not applicable to this application.

Chairman Pateidl: If I understand your request.

Mr. Klein: The applicant has always been clear that they would use the same plan done with the other. We just felt that, since this is part of the electrical substation, the stipulations were covering that as well.

Ms. Lorenzen: Actually, No. 3 was not required in the previously approved case.

Mr. Coleman: It is around the administration building only.

Chairman Pateidl: Since we generally see that irrigation is required for landscaping, I would say that we are either redundant or inappropriate. Do we delete these stipulations or not?
Mr. Klein: I think the stipulations are covered in both, so it should be fine to delete them. The Landscape Plan was approved with Johnson County Wastewater, and they took the substation into consideration at that time.

Chairman Pateidl: You concur with the deletion of Nos. 3, 7, and 8?

Mr. Klein: Correct.

Chairman Pateidl: With that, we would have ten stipulations.

A motion to recommend approval of CASE 106-18 – INDIAN CREEK ELECTRICAL SUBSTATION – Request for approval of a Final Plan, located south of I-435 and east of Mission Road – with ten stipulations as modified, including the removal of Nos. 3, 7, and 8 – was made by Strauss.

Chairman Pateidl: I would add one other comment on that regarding No. 11 to be specific in the identification of the letter from the Public Works Department.

Seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Hoyt, Strauss, Coleman, Block, and Stevens.

CASE 107-18 – BARSTOW SCHOOL – LEAWOOD CAMPUS – Request for approval of a Preliminary Plan and Special Use Permit, located north of 123rd Street and west of State Line Road. PUBLIC HEARING

Staff Presentation:
City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 107-18 – Barstow School – Request for approval of a Preliminary Plan and Special Use Permit. Before I proceed with the presentation, I would like to note a couple changes that had taken place since your reports were delivered to you. The first is a correction on Page 3 of your report. Building No. 3 in the table is listed as School, and it should be Retail. School is Building 5. You also have an additional public comment letter from Pembroke Court Subdivision. This was received after your packets was delivered. You also have a memo detailing some changes to stipulations. The majority of them have been agreed upon by staff and the applicant. Many of them were able to be removed.

The proposed Barstow School location is within Leawood Plaza in the previous location of the HyVee grocery store. The applicant proposes an adaptive reuse of this currently vacant retail space for use as an ancillary campus for the Barstow School, which is a private school for elementary, middle, and high school students. The main campus is located near 115th Street and State Line Road in Kansas City, MO. The applicant proposes the students will be shuttled from the main campus to this ancillary Leawood campus, primarily for use of the Robotics program. While the school’s programs and schedules have not been completely finalized, the applicant does expect 50-150 students with 10-15 teachers to be located at this ancillary campus. The applicant
also proposes a daycare facility at the campus for approximately 18 infants and 30 toddlers. The hours of operation of the school will be approximately 7:00 a.m. to 7:00 p.m. The existing retail structure is a single-story building with 63,370 square feet. The applicant does not propose any changes to the existing parking lot, parking lot lighting, or number of parking spaces, which are more than adequate to serve the school’s needs and also meet the requirements of the LDO. The applicant proposes modifications to the eastern elevation of the building, which serves as the main entrance. The applicant proposes a new storefront window system across the eastern façade in place of the existing stucco infill that is along the façade, along with new doorways to face the east and a new metal fascia to match the existing fascia on the building. The porte cochere will also be updated with a new metal fascia. The western and southern façades of the building will remain unchanged. The site is currently landscaped. The applicant proposes some additional ornamental trees on the west side of the building on the existing berm behind the structure. Staff would like to see some additional site improvements regarding landscaping, such as 60% living material in the landscape islands and screening of utilities; however, these are not required by the LDO for this application, so we are not able to make the site come into complete compliance with current LDO landscape standards. Staff recommends approval of Case 107-18 with the modified stipulations in your memo.

Chairman Pateidl: Are there questions for staff?

Comm. Block: In the notes from the Interact Meeting, I noticed the moderator indicated there would be 30 parking spots removed, but I didn’t see that anywhere in the diagrams or anywhere in the text of the application.

Ms. Schuller: At the time the meeting was held, the Site Plan looked a little bit different. The applicant was proposing an entryway plaza in the front parking area that would have removed some of those pieces; however, due to circumstances with the current owners within Leawood Plana, they were not able to work that out. The revised plan before you is what they are bringing forward, which does not call for the removal of any parking spaces.

Comm. Coleman: On the Traffic Impact Study, obviously the building has been vacant for some time, so the only thing we have to go on is when it was HyVee. How many years ago was that?

Ms. Schuller: The site has been vacant since 2014.

Comm. Coleman: Where is the data coming from for the traffic study? Was it when HyVee was open?

Mr. Ley: It is from the ITE manual for supermarkets in general throughout the country. That is how they developed the traffic counts. It is not from a prior study of this site.
Comm. Coleman: There is still something in there. I think the HyVee drugstore is in there, but obviously, it’s minimal impact right now.

Mr. Ley: That’s right.

Comm. Coleman: Right now, the building is owned by HyVee and is on the tax rolls, I assume. If Barstow purchases the building, it would come off the tax roll as a school?

Mr. Hall: Presumably; if they’re a nonprofit entity, they are not taxed. It could be stated that it is not really generating tax revenue at the moment.

Comm. Coleman: It is generating property tax.

Mr. Hall: Yes, but none of the other bonus tax you get out of a retail establishment that is functioning.

Comm. Coleman: For clarification, does the school pay property tax?

Mr. Hall: To be perfectly honest, I don’t think so, but I would need to look into the property tax rule to confirm that.

Comm. Strauss: Jessica, can you give us some more background on why so many stipulations were removed? I know we like to try to bring new developments up to current LDO standards, but I suspect it’s because the building itself is not changing. Isn’t there a trigger for the requirement to be upgraded to the LDO?

Ms. Schuller: The applicant is not increasing the intensity of use on the site. Some of the changes to stipulations were regarding improvements that the applicant does not actually have to make, per the LDO. We would like to see the site beautified. The applicant agrees with that; however, they just didn’t wish to see some of those improvements as a stipulation. It is not that they are unwilling to make some of these improvements down the road.

Comm. Strauss: Do you remember when the city requires those new LDO amendments to be met?

Mr. Klein: It is triggered by an increase in the intensity of use of the property. It really comes down to a use that adds traffic, more square footage, etc. Per the LDO, the legal, nonconforming characteristics such as parking and landscaping would have to come into conformance at that time. However, in this case, the school is going in as a lower intensity than what the grocery store was. We didn’t really have the ability to do that. Originally, they were proposing more modifications. They indicated that they might be willing to make improvements down the road, but they did not want them as stipulations, and because the intensity of use didn’t increase, we couldn’t require them.
Comm. Hoyt: If this is approved, will it sell off the entirety of the HyVee holdings on that site?

Mr. Klein: That might be a better question for the applicant.

Mr. Coleman: I believe that is true.

Comm. Hoyt: In the description of how this was all going to be situated at the top of Page 3, it says, “The building is mainly rectangular in nature with a flat roof. A smaller extension of the building is located to the north on another tract of land and is not proposed to be used as part of the school.” Is that physically attached?

Mr. Coleman: Yes.

Comm. Hoyt: But it’s not owned by HyVee?

Mr. Coleman: Correct; it has a common wall.

Chairman Pateidl: Any other questions? If the applicant is here, please step forward.

Applicant Presentation:
Ellen Pantaenius, Husch Blackwell, 8215 Rosewood Lane, Prairie Village, KS, appeared before the Planning Commission and made the following comments:

Ms. Pantaenius: We are here to present our application for a Special Use Permit and Preliminary Plan for the Barstow School. They are under contract to purchase this property from HyVee. They intend to develop it as an ancillary campus for their school. The main campus is across the way on the Missouri side. They will use this property for their STEAM programming and a daycare. Joining me today are Shane Foster, President and Head of School; Jeff Schnitzler, architect with Hollis and Miller.

Shane Foster, Headmaster of Barstow School, 115th and State Line, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Foster: The Barstow School is the oldest independent school west of the Mississippi. We have been in Kansas City since 1884. Our current campus on State Line Road was opened in 1962. We have approximately 150,000 square feet of educational space with 128 employees. We have found, since we started new programming such as STEAM with our technology program, a need. About 70% of our applicants come to us from Kansas. We feel it is necessary for us to create a feeder program with a daycare. We have a lot of interest with our current parents. We have exceeded the capacity on our current campus with our innovation space, so we are requesting to get a Special Use Permit so we can start a center for innovation on the former HyVee space.

Jeff Schnitzler, Hollis and Miller Architects, 1828 Walnut, Suite 922, Kansas City, MO, appeared before the Planning Commission and made the following comments:
Mr. Schnitzler: (Referred to PowerPoint throughout) The existing HyVee has been vacant for about four years. The parking is proposed to remain as it currently exists. The adjacent properties have cross-access agreements. We are proposing changes that have been stated by staff, including the addition of some ornamental trees and minor modifications to the building. The only exterior modifications are proposed on the east elevation with the idea that we would like to provide more daylight and a friendlier appearance for the school. We are proposing to remove the existing stucco and replace that with a new aluminum glass window and entry system as well as to add glass windows at the entry to help demarcate that a little bit better and be more in keeping with the school’s image and brand. We are proposing cleaning and replacement of the existing fascia to match what is currently existing, so very much in keeping with the existing aesthetic and cleaning it up a little bit. The remainder of the building will have maintenance work due to four years of vacancy but no significant or physical changes to any of the elevations.

As Shane and Ellen mentioned, this will house the STEAM program and Robotics. Those take a lot of space. It will also have a new administrative area to organize and run this part of the school as well as a daycare space and support space for play and gathering for the students outside of the workshop and daycare.

Ms. Pantaenius: As staff noted, we held an Interact Meeting on August 29th. We had tremendous support from the neighbors who attended that meeting. They were really looking forward to seeing this property utilized again, particularly for the school purpose that Barstow is proposing. We have a letter of support from Pembroke Court Homeowners Association. I understand a representative may be here to make comments this evening as well.

We will be redeveloping what is currently a vacant store that is slowly falling into disrepair. We will add some screening trees and refresh the exterior, adding some glass, and helping it look quite a bit better. Security will be improved because it will be owner-occupied. Traffic to this site will be reduced from what was experienced with the HyVee store. Parking use also will be reduced. We also anticipate increased tax revenue from the surrounding businesses that will benefit from this site being utilized again. We also will employ 10-15 additional staff at this location. We’re happy to answer any questions you may have.

Comm. Hoyt: Do you anticipate that this will totally fill that building, or is there excess capacity for future expansion?

Mr. Foster: It is 63,000 square feet and a lot of space, but with our STEAM program expanding and the daycare, we believe the space will be fully occupied; however, as we start to renovate inside, we believe there will be other opportunities to expand our technology program as part of this.

Comm. Hoyt: I know the drawing of the interior space is not a finalized plan, but I was intrigued by your outdoor play space. You’re planning to cut the courtyard?
Mr. Foster: That is correct because, as part of the stipulations to run a daycare, we need an outside space. Unfortunately, because of the easement that runs through that area with traffic around the back as well as through the front, it is not a safe area to put children outside. We moved the outside inside.

Comm. Coleman: Mr. Foster, the Engineer’s Report states that this is for middle school. Is it for the entire school from K-12, or is it centered on the middle school?

Mr. Foster: It will be Preschool-12.

Comm. Coleman: What about the summer at Barstow Program? Will you utilize the space for that as well?

Mr. Foster: We will be utilizing the space for our Robotics and STEAM program, a lot of which we do currently on our campus, but we would expand that. We would be bussing students over at that point.

Comm. Block: Your photos of the parking lot looked a little rough. Are there any plans to reseal, repave, or repair it?

Mr. Foster: Yes.

Comm. Block: Also, the top window just looked odd to me. It doesn’t have a top to it.

Mr. Schnitzler: It is really about more of an open, up-reaching idea for the program. It is taking the form there and breaking it down a little bit and bringing additional daylight in.

Comm. Block: I didn’t know it had a purpose. I thought it was more ornamental. There is a deed restriction associated with this property that continues?

Ms. Pantaenius: There will be a deed restriction from HyVee to the Barstow School.

Comm. Block: And that will continue?

Ms. Pantaenius: It will.

Chairman Pateidl: Are there other questions? This application requires a Public Hearing.

Public Hearing
Barbara Jones, 11100 W. 122nd Street, appeared before the Planning Commission and made the following comments:

Ms. Jones: You saw the view from our house. We are thrilled that this is happening; however, I do have a question that has to do with traffic. We live in a neighborhood that is aging. I moved back to be with my parents, and they are driving, as are our neighbors and the neighbors on 121st. Quite a few elderly people are coming in and out of State
Line. Given the school being present, will there be a school zone or a crosswalk put in at the bottom? My main concern is cars coming north from that hill. They do not pay much attention to cars that might be entering from the Missouri side onto State Line, particularly crossing over. The school might be a good opportunity to slow some of that traffic down and set up a more secure setting for elderly residents.

Mr. Ley: I believe most of the school students will be dropped off by the parents or brought over by Barstow from the main school off State Line, so we would not anticipate any school zone along this area.

Comm. Coleman: Mr. Ley, what is required for lights in a school zone? I know there is a Montessori school on the other side of State Line that at least has a sign. It’s not as extensive as Leawood Elementary with the flashing lights.

Mr. Ley: Typically, we’re looking to see if there are students walking to school. That would be something that we would look at over time. If there are, we would study the area to determine where we would put the flashing lights. We work with the Police Department, also, on where we would put the speed zones.

Comm. Coleman: To even put a sign to say there’s a school is something you have to study once everything is up and running?

Mr. Ley: That is correct. We work with the Police Department on that.

Ms. Pantaenius: I can make one additional point on that, also. The daycare will be open from 7:00 a.m. to 7:00 p.m. with parents dropping off. There will not be steady traffic coming to this location at one particular time; it will be more spread out.

Chairman Pateidl: Okay, welcome.

Peggy Beal, 2701 W. 120th Place, appeared before the Planning Commission and made the following comments:

Ms. Beal: I’m here as a representative from the Verona Gardens HOA Board. We found out about this Planning Commission meeting last night through our City Councilman Mary Larson. I have a couple of questions that are mostly informational. You may have answered and I just didn’t hear it, but the daycare is for whom? Is it open to the general public? Is it for the employees of Barstow?

Mr. Foster: It is open to the general public.

Ms. Beal: As one of the surrounding neighborhoods, I know Pembroke Court has a representative here, and they are directly adjacent property. Verona Gardens has 445 homes just behind them, so this is a concern to all our neighbors as well. We would like a copy of the plan that is being proposed. If there are any other Interact Meetings, we would like notice. We didn’t know about the first one. We would have liked to have
participated in that. Really, we just want to be kept informed and in the loop on the development of the property. Thank you.

Chairman Pateidl: I might ask a question regarding the notification of the Interact Meeting.

Ms. Pantaenius: We obtained a list of homeowners and HOAs provided by Leawood Planning Staff as well as other property owners located within 500 feet of the project site. We sent notices of our Interact Meeting and this meeting to all those property owners.

Ms. Schuller: In addition to that, the packet is always posted online with full sets of plans and Staff Reports prior to every meeting. That was posted last Friday. The Interact Meeting notification is sent personally to every address within 500 feet, and then staff takes an extra step to notify HOAs within 1,500 feet. We divide the city by north, central, and south. If the project is taking place in the south, all HOAs in the south would be notified.

Chairman Pateidl: You’re comfortable we met the requirements of our ordinance?

Mr. Klein: We’ve been trying hard to go well beyond the state statute. I’ll double check. City staff sends out notification as well.

Comm. Hoyt: Just so the Verona Gardens folks know, staff is saying the plans are online right now. You can go to the city website and find them. The meeting minutes will be entered into the record as well.

Inaudible comments

Mr. Klein: We try to go well beyond that.

Inaudible comments

Chairman Pateidl: Any other questions? Mark, in response to the availability of the daycare facility being open to the general public, does the Special Use Permit as it is formulated in this application allow for a general daycare facility?

Mr. Klein: A general daycare facility is allowed with a Special Use Permit in this particular zoning district. We learned more about the daycare as the plan progressed. We determined it was more of a commercial daycare with before and after care for the school as well. One of the stipulations in the Staff Report is that they will need to get a Special Use Permit for the daycare.

Chairman Pateidl: I would think that would be appropriate for clarity for Governing Body. Sir?

Shel Rupa, 2000 W. 123\textsuperscript{rd} Terrace, appeared before the Planning Commission.
Mr. Rupa: I welcome Barstow as a neighbor; however, I want to make sure there will not be any regularly scheduled evening activities. It is surrounded on three sides by residential homes. Will Barstow plan on any evening activities at that location?

Mr. Coleman: I don’t think we have any restrictions on that. HyVee was a 24-hour grocery store, so I think the school may have conferences or ongoing things in the evening hours.

Comm. Hoyt: I feel like there was contemplation of evening activities but a stipulation that they would be over by 11:00 p.m.

Mr. Klein: There is a stipulation that states that, and they can always apply for a Special Event Permit if they had something that lasted longer than that.

Mr. Rupa: Given that the main campus is relatively remote from a residential area and this is surrounded on three sides by residential homes, I think activities that might go until 11:00 p.m. might be better served at the main campus. Is there any reason they couldn’t be handled at the main campus?

Chairman Pateidl: Would the applicant like to address that?

Mr. Foster: Thank you for your question. We do not anticipate having dances, for example that we would hold at our main campus but we would like to reserve the right to have a robotics competition, for example, which may well go into the evening hours. I don’t anticipate it would go beyond 11:00 p.m.; however, we would like to request up until 11:00 p.m., knowing that most of the business will be done by 7:00 p.m.

Ms. Pantaenius: I’d like to add that events will be enclosed inside the building and should not be bothersome to the neighbors any more than a 24-hour HyVee would have been.

Michael Price, 12120 Sagamore Road, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Price: I am the President of Pembroke Court HOA. On Friday, September 21st, I delivered a letter to the city, which hopefully is in your packet. I think it was mentioned earlier. Needless to say, we’re thrilled to death that the Barstow School has chosen this location. We have 75 homes in our subdivision. We are adjacent to and immediately west of the back of the proposed school. We have had a number of issues since HyVee left the area with trash and trucks in the parking lot. We’ve been to City Council a couple times, hoping something could be done like this, realizing the city was not responsible for seeing that the property was sold or occupied. One of the things I heard just now was mention about late evenings. Actually, there are businesses to the east, north, and south of this building. The neighborhood that we have is right behind all those businesses. I think there is a pizza place that stays open probably past 11:00. There are other businesses that
lease the space. We’re thrilled that HyVee Pharmacy stayed and that the Barstow School can now make a difference in that area because we’ve already seen an insurance agency go in to the south. I think Barstow School is leasing an office close to the building. There’s a furniture business there, and we believe that because students are going to be there, maybe those other places will be occupied as well. We’re really happy about this. We got good notice of the Interact Meeting and had several residents there that were in favor of this. As the elected President of Board of Directors of the 75 homes, we fully support this application.

Chairman Pateidl: Thank you. Are there any other parties who would like to make a comment?

As no one else was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Hoyt, Strauss, Coleman, Block, and Stevens.

Chairman Pateidl: The Public Hearing is now closed. Is there any discussion?

Comm. Strauss: I have a question for staff. I haven’t been in the area for a while, but I was thinking about state laws regarding liquor stores and places that sell tobacco near schools. I don’t know if there are any in the area now. If there are not, isn’t there a state law that prohibits alcohol sales within a certain distance of a school? How would that play out?

Mr. Klein: Nall Valley Shops was the last one we had come in. We wanted to make sure that they were an appropriate distance from Math Monkey. We typically check that when a liquor store moves in. We’re not aware of any liquor store in this area in that range. It is not so great that it usually encompasses a whole development and beyond. For instance, at Nall Valley Shops, it was okay for the liquor store to be on one corner and the other business to be located along Nall Avenue.

Comm. Strauss: If a liquor store wanted to come in to one of the open spaces in the development, would our LDO preclude that?

Mr. Klein: It is actually state law. We try to check it as well.

Comm. Belzer: Regarding the outdoor space, if it were to become a courtyard, would the applicant need to reapply since it would be a major roof change?

Mr. Klein: It would actually require a building permit in order to construct. Most of the applications you see have a lot of codes that go into the review of the interiors. This would be the same way.

Comm. Hoyt: I have more of a comment. I would like to congratulate the visionaries who came up with this plan because I think it’s a wonderful repurposing of the building,
and I think it’s wonderful from Barstow’s standpoint from what I can tell. I think it will be a great asset to Leawood.

Comm. Coleman: I would like to echo Commissioner Hoyt’s comments. For the past four years as a commissioner on this body, it has really irked me when we have had vacant property in the city that is not being put to a useful role. Never in my wildest dreams did I think that Barstow would come and take this property. I was wondering for years what could go in. I think there was talk about a fitness center. I know we had the deed restrictions, which prohibited us from allowing a supermarket to come in, which was aggravating to say the least. I think this is a great addition to Leawood. I think it’s a great addition to the area. I think the Robotics, STEAM, and daycare are going to be a great advantage to that side of State Line, to the neighborhoods that surround it, and for all of Leawood.

Chairman Pateidl: Any other comments?

A motion to recommend approval of CASE 107-18 – BARSTOW SCHOOL – LEAWOOD CAMPUS – Request for approval of a Preliminary Plan and Special Use Permit, located north of 123rd Street and west of State Line Road – with the 21 stipulations outlined in the memo – was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Hoyt, Strauss, Coleman, Block, and Stevens.

CASE 97-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-9-26(a), AUTOMATED BANK TELLER – ANCILLARY TO BANK OR FINANCIAL SERVICE – Request for approval of an addition to the Leawood Development Ordinance, pertaining to automated bank teller machines – ancillary to a bank or financial service. PUBLIC HEARING

Staff Presentation:
Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 97-18 – Leawood Development Ordinance Amendment to Section 16-9-26(a) – adding a definition for automated bank teller – ancillary to bank or financial service. This case and the following two cases are all related. Currently, the LDO defines an automatic bank teller machine; however, it does not distinguish between being associated with the bank or financial service and one that may be independent. In the Table of Uses, it wasn’t addressed, either. Typically, an automated bank teller would be located in a bank application that came before the Planning Commission and City Council. The Automated Teller Machine (ATM) might be located in the drive-through, within the vestibule, or in the wall of the building. It was just an ancillary part of the business. In this case, there was nothing to address an ATM separate from a bank or financial institution, such as in a development like Park Place. Staff is trying to address the need. We decided to add two definitions. One is for the Automated Bank Teller ancillary to a bank or financial service. These would typically come in as part of a bank application. In addition, we would like to add a definition of an ATM that is independent
of a bank or financial institution and not located on the same lot. We have restrictions in order to ensure it will look nice. We require them to be within a wall, not projecting, and served from the interior of the building. In addition, on the last application, we address adding them to the Table of Uses to establish what zones allow them. This application is 97-18. It defines an automated bank teller ancillary to a bank or financial institution as an automated bank teller machine either freestanding or integrated into a wall or building that is ancillary to and located on the same lot as the primary use of a bank or financial service. Staff is recommending approval, and I’d be happy to answer any questions.

Chairman Pateidl: Are there questions?

Comm. Coleman: As a point of clarification, we allow the drive-through ATM at the banks. They can have one inside their building as well. If Park Place wanted to put a regular ATM coming out of the side of the building, would it be covered or not?

Mr. Klein: Right now, the LDO is vague. It doesn’t list ATMs in the Table of Uses, which could then be interpreted as them not being allowed. Obviously, an ATM is part of a banking function, so they have always been allowed as part of that function with a bank or financial institution. If somebody wanted to put an ATM in the middle of a development not associated with a bank or financial institution, it was prohibited since it wasn’t addressed in the LDO. ATMs in businesses such as grocery stores are allowed because they are on the interior of the building. This addresses the exterior.

Comm. Coleman: If Windy City wanted to put an ATM on the side of their building, it would not be allowed with this?

Mr. Klein: It would require plan approval as part of it, but it would allow it.

Comm. Coleman: Can it be outside or inside?

Mr. Klein: If it is outside, it has to be in the wall. It can’t project more than 3” from the wall, and it has to be serviced from the interior of the building.

Comm. Coleman: For instance, Costco has an ATM that is freestanding. That would not be allowed?

Mr. Klein: It would be allowed on the interior but not on the exterior.

Comm. Hoyt: As a point of clarification, Case 97-18 is just a definition, as is Case 98-18. Right now, all we’re doing is setting up definitions.

Chairman Pateidl: I’d like to do it by individual case since a Public Hearing is required on each one. Before us right now is the definition of an automated bank teller. Having said that, do you have any other questions?
Comm. Strauss: I’m confused about the statement that it must be serviced from the interior of the building. If an ATM is put into the wall, how is it going to happen from the interior?

Mr. Klein: The way we envisioned it is that it would be located in the wall, and the back of the ATM would be on the inside with the access panel on the back. This would encourage more security.

Comm. Strauss: That would preclude a lot of ATMs because it would require significant altering of the building. It seems like I see a lot of ATMs serviced from the front. I understand what you’re saying; it’s just more restrictive. That’s fine.

Chairman Pateidl: Let me point out that this definition is ancillary to bank or financial services. It doesn’t apply to a location to a Costco or anybody else. If the bank is going to build this and have that facility available in the wall, I’m not sure that you’re really talking about a lot of modification. I’ve thought on this for the sake of not only security but public safety as well. People figure out who’s going to be out there throwing $50 bills at that thing, and that’s a little spooky. All things considered, focusing on this definition, it is at a bank or a financial facility.

Mr. Klein: Correct. These are the ATMs you’ve seen in the past.

Chairman Pateidl: We’ll deal with your other issue with the other case. I’ll open the Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Hoyt, Strauss, Coleman, Block, and Stevens.

Chairman Pateidl: Any further discussion on this matter of the definition of an automated bank teller for a bank or financial institution? If there are no comments, I would entertain a motion.

A motion to approve CASE 97-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-9-26(a), AUTOMATED BANK TELLER – ANCILLARY TO BANK OR FINANCIAL SERVICE – Request for approval of an addition to the Leawood Development Ordinance, pertaining to automated bank teller machines – ancillary to a bank or financial service – was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Hoyt, Strauss, Coleman, Block, and Stevens.

98-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-9-26(b), AUTOMATED BANK TELLER – NON-ANCILLARY IN-WALL –
Request for approval of an addition to the Leawood Development Ordinance, pertaining to automated bank teller machines – non-ancillary in-wall. **PUBLIC HEARING**

Chairman Pateidl: This case focuses on machines that are not coexisting with banks or financial services and not necessarily involved with a bank or financial service.

Mr. Klein: Correct, and it must be in the wall.

**Staff Presentation:**
Assistant Director Mark Klein made the following presentation:

Mr. Klein: This application is to add a definition to ATMs that are not part of a bank or financial institution. They must be in the wall with no more than 3” projection, and they must be serviced from the inside of the building. This is adding a definition, and the definitions will be incorporated into the Table of Uses in the next application.

Comm. Strauss: This is the appropriate place to talk about this. I’m still confused. If the ATM is within a wall at Park Place, isn’t there an existing development on the other side of that wall? It would be accessing the ATM from a different property.

Mr. Klein: It is possible that there is a business on the other side. It is also possible that it is an office of that particular development. For instance, Town Center Plaza has a cut-through with an office. They could also have an ATM in that same location. Park Place could use one of the vias.

Comm. Block: I agree with Commissioner Strauss. It seems like an unnecessary requirement to have them serviced from the back. I’ve only seen them serviced from the front. Maybe they exist. Maybe you’ve done research as to how different ATMs operate. Typically, people are armed when they come service these. I’m not buying the security bit of it. It seems limiting on where these can be put in existing buildings and would almost eliminate the possibility of them being installed. I think having them serviced from the front is sufficient.

Comm. Hoyt: Do we know if servicing from the back is available?

Mr. Klein: I believe it is one of the options. It probably is more restrictive.

Comm. Hoyt: Along the same lines, the concept of putting these automated tellers in where there is not a financial institution is if the development itself were to perceive that there is a real need. It is not so much a proprietary machine. This is really to serve the needs of a group of merchants who, one would presume, will collectively band together and urge management of the complex to put one in. That would lend credibility to your concept that they will go into an area with a management function of some sort for the development.
Mr. Klein: In reality, these will probably be used less and less because it seems like credit cards are being accepted more and more. There may still be a need for a development.

Comm. Hunter: Really, you just felt like we needed a definition for it.

Mr. Klein: We felt it should be addressed. We have been approached in the past about putting and ATM in a development. Some have suggested a freestanding ATM. Staff had concerns about that because it is often hard to make look nice, but there are also security issues with the potential for someone to grab the whole machine.

Chairman Pateidl: Other questions? This requires a Public Hearing.

Public Hearing
Kevin Jeffries, Leawood Chamber of Commerce, 13451 Briar, appeared before the Planning Commission and made the following comments:

Mr. Jeffries: I wanted to thank staff for taking up this issue. We were actually approached by a developer who wanted to put one of these in Park Place. They actually wanted to put it at the kiosk that has been sitting vacant since Park Place was built; however, this was a compromise, and I can certainly understand staff’s desire to keep it a little less obtrusive and more secure. That kiosk continues to sit empty with a little electrical stub in the middle. It was originally for ticketing for AMC Theaters, and that never was built. I just wanted to thank staff for doing this, and there has been demand from the merchants at Park Place. People need cash to pay for the valet parking. I’ve talked to several bankers, and there continues to be a demand for ATMs; they just maybe aren’t as noticeable as they have been in the past. Thank you.

Comm. Block: When you deal with the banks, is there any feedback from them on this ordinance?

Mr. Jeffries: I did approach several board members who are in banks. They said that they were very supportive of adding that to our ordinance because they are getting away from building brick and mortar structures anymore. Yes, I would agree with Mark that a lot of payments are online, but when you’re out for the evening, you still use some cash.

Comm. Block: Did you ask about servicing from the front?

Mr. Jeffries: That is a new wrinkle I hadn’t heard of until recently; however, being a former banker, I do know there are ATMs that can be serviced either way. For our practical application, pulling the front off to access it from the middle of the vias, it might be a little obtrusive. Everyone who is servicing those is armed. I’m in the Country Club Bank building right now, and the ATM in the drive-through there is serviced by two guys. One has a gun; the other reloads it. They understand how to do it. They come at random times, so it would be very difficult for a bank robber to anticipate that. Robbing
an armored truck is more in the movies. To your comment, they only put smaller bills in. I think it’s great that staff was willing to take it on.

Chairman Pateidl: Seeing no one else, I would entertain a motion.

A motion to close the Public Hearing was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Hoyt, Strauss, Coleman, Block, and Stevens.

Chairman Pateidl: Further discussion?

A motion to approve 98-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-9-26(b), AUTOMATED BANK TELLER – NON-ANCILLARY IN-WALL – Request for approval of an addition to the Leawood Development Ordinance, pertaining to automated bank teller machines – non-ancillary in-wall – striking the language, “shall be fully serviced from within the interior of the building” was made by Block; seconded by Strauss.

Chairman Pateidl: I would have to defer to staff because that is a significant change.

Mr. Klein: Again, the reason we had that in there was to make sure that these are a little more secure without having someone servicing it out in the open. I certainly understand.

Chairman Pateidl: Commissioner Block has a motion on the table, removing the requirement that the ATM be serviced from inside the building. Is there a second?

Comm. Strauss: I had seconded it.

Chairman Pateidl: Thank you. So everyone is clear, we are not taking a vote on the definition as presented by the Planning Department but as modified by Commissioner Block.

Motion carried with a vote of 5-0. For: Belzer, Strauss, Coleman, Block, and Stevens. Opposed: Hunter and Hoyt.

CASE 99-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2.7, TABLE OF USES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to changes to bank teller machines.

PUBLIC HEARING

Staff Presentation:
Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 99-18. As we discussed earlier, this adds the definitions to the Table of Uses. We want to include those that are ancillary to bank or financial services into every place we’ve seen bank and financial institutions allowed. They are shown as a
planned use in each of those zoning districts. It would be the same process banks and financial institutions have gone through in the past. I would also like to make a correction. For the non-ancillary, in-wall ATMs, we would like to have it as a planned use rather than a Special Use Permit; however, we would like to limit it to SD-CR [Planned General Retail]. It would include such places as Town Center Plaza and, by extension, MX-D. The MX-D District includes all the uses within the other zoning districts with the exception of the BP District. This would mean it would be allowed in places like Park Place and Mission Farms.

Chairman Pateidl: Any questions of the Planning Department? Seeing none, I’ll open the Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Hoyt, Strauss, Coleman, Block, and Stevens.

Chairman Pateidl: Further discussion on Case 99-18? This places the definitions as developed this evening into the Table of Uses. The chair would entertain a motion.

A motion to approve CASE 99-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2.7, TABLE OF USES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to changes to bank teller machines – was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Hoyt, Strauss, Coleman, Block, and Stevens.

CASE 113-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2.5.3, R-1 (PLANNED SINGLE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT) (15,000 SQ. FEET PER DWELLING) – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to exceptions to side yard setbacks. PUBLIC HEARING

Mr. Klein: This inadvertently did not make it into the packet, so staff would like to recommend that it be continued to the October 23rd meeting.

MEETING ADJOURNED
City of Leawood Planning Commission Staff Report

MEETING DATE: October 23, 2018
REPORT WRITTEN: October 16, 2018

NALL VALLEY SHOPS – BURG & BARREL PATIO – REQUEST FOR APPROVAL OF A FINAL PLAN
– Located north of 151st Street and east of Nall Avenue – Case 118-18 **Consent Agenda**

STAFF RECOMMENDATION:
Staff recommends approval of Case 118-18, Nall Valley Shops – Burg & Barrel patio – request for approval of a Final Plan, with the stipulations outlined in the staff report.

APPLICANT:
• The applicant is Jake Chappelow with Burg & Barrel.
• The property is owned by Nall Valley, LLC.
• The architect is Klover Architects.

REQUEST:
• The applicant is requesting approval of a Final Plan for outdoor patio furniture to be placed on an existing enclosed patio, located on the eastern façade of the building.

ZONING:
• The property is currently zoned SD-NCR (Planned Neighborhood Retail).

COMPREHENSIVE PLAN:
• The Comprehensive Plan designates this property as Retail.

LOCATION:
SURROUNDING ZONING:
- North: To the north is the Villas of Whitehorse, a residential subdivision zoned RP-2 (Planned Cluster Detached Residential District).
- South: To the south is 151st Street. Beyond 151st Street is Ironhorse Centre, a mixed use development with a combination of retail, office and independent living, zoned MXD (Mixed Use District).
- East: To the east is the Villas of Whitehorse, a residential subdivision zoned RP-2 (Planned Cluster Detached Residential District).
- West: To the west is Nall Avenue. Beyond Nall Avenue are single family residential homes located within Overland Park, Kansas.

SITE PLAN:
- The tenant space is currently occupied by Burg & Barrel.
- The tenant space is located within the central building of the main retail center of Nall Valley Shops.
- The main entrance of Burg & Barrel is oriented to the south, along with the other tenant spaces within the main center.
- A circular fountain is located adjacent to the main entrance of the building, outside of the gated patio area.
- A drive aisle with a demarcated cross walk is located adjacent to the main entrance.

Eastern Patio
- No changes to the existing patio are proposed, with the exception of new outdoor furniture.
- A fenced, outdoor patio is currently located east of the main entrance of the restaurant, on the eastern façade.
- A 42” black aluminum fence encloses the patio on the southern, eastern and northern sides.
- The eastern patio is approximately 50’ in length and 13’ in width and can be accessed through an exterior patio gate located on the southwest corner of the patio, and through an exterior patio gate located on the northeast corner of the patio.
- Interior restaurant access to/from the patio is located on the southwestern corner of the patio.
- The patio will maintain the minimum walkway width required by the Americans with Disabilities Act (ADA).

ELEVATIONS:
- Three existing red awnings and row of windows are located on the eastern façade, within the proposed patio space.
- A storefront window system is located on the eastern façade, within the proposed patio space.
- The applicant is not proposing changes to the façade of the tenant space.
Existing Eastern Façade

Patio Furnishings:
- The patio area will contain 9 tables and 40 chairs.
- The patio furniture will consist of steel finished, square and rectangular metal tables and chairs in black.
- The chairs will be stackable.
- No outdoor heaters are proposed.

SIGNAGE:
- No signage is proposed with this project.

LANDSCAPING:
- Three existing trees are located on the patio, and will remain as existing. No changes are proposed to the landscaping.

LIGHTING:
- There are no proposed changes to lighting.

STAFF RECOMMENDATION:
Staff recommends the Planning Commission approve Case 118-18, Burg & Barrel patio within Nall Valley Shops – request for approval of a Final Plan, with the following stipulations:
1. The project is limited to the placement of patio furniture within the existing outdoor patio space, located on the eastern building facade. No other changes are approved with this application.
2. The project shall comply with the design guidelines for Nall Valley Shops.
3. The patios shall maintain the minimum walkway widths required by the American’s with Disabilities Act.
4. Development rights under this approval shall vest in accordance with K.S.A. 12-764.
5. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through five.
Burg & Barrel 151, LLC
5408 W 151st St
Leawood KS, 66224

Patio Dining Layout
Item # 740360 Model # 63001

Garden Treasures Davenport Stackable Steel Dining Chair with Mesh Seat

70 Ratings
4.5 Average

91%
Recommend this product

Community Q&A
View Now

BUY IN BULK AND SAVE
Garden Treasures Davenport 30-in W x 30-in L Square Steel Dining Table

35 Ratings

⭐⭐⭐⭐⭐

4.5 Average

91%

Recommend this product

Community Q&A

View Now

Buy 4, Get 10% Off; In-use/lifestyle image - accessories not included
City of Leawood Planning Commission Staff Report

MEETING DATE: October 23, 2018
REPORT WRITTEN: October 9, 2015

TOWN CENTER PLAZA – LOT 4 REDEVELOPMENT – REQUEST FOR APPROVAL OF A PRELIMINARY PLAN, FINAL PLAN, AND FINAL PLAT - Located north of W. 119th Street and east of Nall Avenue - Case 114-18 **PUBLIC HEARING**

STAFF RECOMMENDATION:
Staff recommends approval of Case 114-18, Town Center Plaza – Lot 4 Redevelopment, with the stipulations stated in the staff report.

APPLICANT:
- The applicant is Tara Smiley with Drake Development, LLC.
- The property is owned by OTB Town Center, LLC.
- The engineer is Robby Steffens with Olsson Associates.
- The architect is Michael Hampton with Schwerdt Design Group, Inc.
- The landscape architect is Brad Sonner with Olsson Associates.

REQUEST:
- The applicant is requesting approval of a Preliminary Plan, Final Plan, and Final Plat to construct two new buildings totaling 9,363 sq. ft., on a split pad-site on the southwest portion of Town Center Plaza.
- With the proposed buildings, Town Center Plaza will have 683,636 sq. ft. of building area on 70 acres (F.A.R. 0.22).

ZONING:
- The property is currently zoned SD-CR (Planned General Retail).

COMPREHENSIVE PLAN:
- The Comprehensive Plan designates this property as Retail.

SURROUNDING ZONING:
- North: To the north of Town Center Plaza is 117th Street and Town Center Drive. Across 117th Street is Park Place, a mixed use development, zoned MXD (Mixed Use Development District).
- South: To the south of the property, across 119th Street, is an apartment complex zoned RP-3 (Planned Garden Apartment District), a nursing care facility zoned R-1 (Planned Single Family Residential District), and Hawthorne Plaza shopping center zoned CP-2 (Planned General Business District), all within the City of Overland Park.
- East: To the east of the property is Roe Avenue and Camelot Court shopping center zoned SD-CR (Planned General Retail District).
- West: To the west of the property, across Nall Avenue, is the Sprint Campus zoned CP-O (Planned Office Building District) within the City of Overland Park.
LOCATION:

SITE PLAN COMMENTS:

- The Town Center Plaza development is approximately 70 acres and is located on the northeast corner of 119th Street and Nall Avenue. The site includes a main multi-tenant center along with 13 pad sites.
- The subject property is located on the southwest quadrant of the Town Center Plaza development, between Arhaus and Pottery Barn. The subject property is the current location of On The Border.
- The applicant is proposing to replace the On The Border building with the construction of two new buildings on two separate lots, created by splitting the existing lot. The previous building was 6,352 sq. ft.
- The applicant is proposing parking lots to the east, west, and north of the building, with the main entrance of the multi-tenant retail building to be on the north side and the entrance to the restaurant building to be on the east side.
- A 5’ sidewalk that runs east-west is proposed to connect the project with the rest of the Town Center Plaza development along the northern edge of the parking for this project.
- A sidewalk connection is proposed from the project area to 119th Street with demarcated crosswalks across the drive entry ways to match the existing shopping center design. The sidewalk is 5’ wide and begins at the north side of the buildings, extending in-between the buildings to 119th Street.

Building 1 – Multi-Tenant Building

- Building 1 will be 5,725 sq. ft. and will house a multiple tenant space.
- The main entrance will face north, towards the proposed northern parking lot.
- Parking surrounds the building along the west and north sides.
- A 7’ sidewalk is proposed on the west and north sides of the buildings.
- A trash enclosure is proposed near the southwest corner of the building.
- A large planting area is proposed along the north side of the building.

Building 2 – Restaurant

- Building 2 will be 3,638 sq. ft. and will house a restaurant tenant.
• The main entrance of the building will face the east, towards the proposed parking lot.
• Parking surrounds the building along the east and north sides.
• A 7’ sidewalk is proposed along the east side of the building, with a 10’ sidewalk along the north side of the building.
• An outdoor patio is proposed along the north and east sides of the building and will be 65’ long and 15’ wide.
• Three bicycle racks are proposed at the east side of the building.

**BULK REGULATIONS:**
• The Town Center Plaza total building square footage will be 683,696 sq. ft. on 69.97 acres, for a total development FAR of 0.22.
• The following table outlines the required and provided regulations for the project:

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<th>Criteria</th>
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<th>Compliance</th>
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<tr>
<td>Open Space</td>
<td>30%</td>
<td>30.1%</td>
<td>Complies</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (F.A.R.)</td>
<td>0.25*</td>
<td>0.22*</td>
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<tr>
<td>Height Limit</td>
<td>50’</td>
<td>23’ 6”</td>
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</table>

*Overall Town Center Plaza Development

**PARKING:**
• The Leawood Development Ordinance requires 3.5 to 4.5 parking spaces per 1,000 sq. ft. of lease space. For food related businesses, the LDO requires 1 space per 2 seats, 2 per service bay, or alternative by parking study.
• The required parking range for the multi-tenant building is 20 spaces minimum to 26 spaces maximum. The restaurant will have a total of 80 seats for a minimum parking requirement of 40 spaces. A total of 97 spaces are proposed within the site, meeting the requirements of the LDO.
• There is an existing cross access parking agreement for the Town Center Plaza development.
• The current parking ratio for the Town Center Plaza development is 5.6 parking spaces for every 1,000 sq.ft. of retail space. At the time the Town Center Plaza development was approved, the Leawood Development Ordinance required a minimum of 5.0 parking spaces per 1,000 sq.ft. of building area.

**ELEVATIONS:**
• The applicant is proposing two one-story buildings totaling 9,363 sq. ft. of building standing 23’ 6” in height at the tallest point.

**Building 1: Multi-tenant Retail Building**
• Building 1 will be composed of two tenant spaces, one retail space on the west (4,000 sq. ft.) and one retail space to the east (1,725 sq. ft.).
• The building will be 23’ 6” in height with a flat roof.
• The building will primarily be constructed of ACME brick veneer in “Astoria” and Stove Veneer in Eldorado Stone “Oyster”.
• A black standing seam awning will be placed along the storefront windows of the building.
• A black metal canopy will be placed above all entry and exit ways.
• Rectangular architectural wire features that range from 9’ in width to 6’ in width and are 7’ tall.
• The features will be constructed of Banker Wire M33-5 Insert with Metal Frame, will be placed along the south (5 wire features) and east (2 wire features) elevations to give the building additional architectural character.
• Rooftop units will be fully concealed by a parapet.

Building 2: Restaurant
• Building 2 will be composed of a single restaurant tenant space (3,638 sq. ft.).
• The building will be 20’ in height with a flat roof. The parapet of the building is slightly angled – the highest point is on the north side, and the lowest point is on the south side.
• The building will primarily be constructed of Metrobrick in the colors of “Empire” and “Charcoal”.
• The north, south and west elevations consist of a diagonal brick pattern, separated by a metal inset. These diagonal patterns are being used as an architectural element to break up the façade and add interest to the building.
• An elevated planter is proposed along the northern side of the building and will be constructed of exposed concrete.
• Rooftop units will be concealed with an ATAS metaphor silversmith corrugated metal.
• Outdoor light fixtures attached to the exterior of the building will be placed at a height of 10’.

FINAL PLAT:
• A final plat for this project has been submitted as part of this application.
• The proposed final plat will split the existing Lot 4 into two separate lots, Lot 4A and Lot 4B.
• Lot 4A will be 0.95 acres and Lot 4B will be 0.69 acres.

SIGNAGE:
• No signage is proposed with this application. All proposed signage must file a separate application with the Planning Department for a sign permit to be approved administratively.
• The applicant is showing the positioning and locations of possible monument signs. Per the Leawood Development Ordinance, a monument sign may be used in lieu of one wall or canopy sign. There is a maximum number of 2 wall signs per building (1 per façade).

LANDSCAPING:
• New landscaping is proposed for the project including new island plantings and extensive plantings along the south side of the proposed buildings.
• The plans propose numerous shade and ornamental trees along with shrubs around the building, in the parking lot and along 119th Street.

Perimeter Landscaping Adjacent to Right-of-Way Summary – 119th Street

<table>
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<tr>
<th>Element</th>
<th>LDO Requirement</th>
<th>Required</th>
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<th>Compliance</th>
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<td>Shrubs</td>
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<td>66</td>
<td>Complies</td>
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<tr>
<td>Element</td>
<td>LDO Requirement</td>
<td>Required</td>
<td>Proposed</td>
<td>Compliance</td>
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<tr>
<td>----------------------------------------------</td>
<td>-----------------</td>
<td>----------</td>
<td>----------</td>
<td>------------</td>
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<td>Open Space</td>
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<td>Complies</td>
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**LIGHTING:**
- The parking lot light fixtures are proposed to be a maximum of 18’ in height, and will have KSE1 LED light heads to match that of Arhaus and Restoration Hardware.
- The photometric study is in compliance with the Leawood Development Ordinance, meeting an average/minimum of 4:1 and no more than 0.5 foot candles at the property line.

**INTERACT:**
- An Interact meeting was held on October 8, 2018. A summary and sign in sheet of the meeting is attached.

**DEVIATIONS:**
- The applicant is not requesting any deviations with the proposed project.

**IMPACT FEES:**
- **PARK IMPACT FEE:** The applicant/owner shall be responsible for a park impact fee in the amount of $0.15/sqft. of finished floor area prior to issuance of a building permit. This amount is subject to change by Ordinance.
- **PUBLIC ART IMPACT FEE:** The applicant/owner shall be responsible for a public art impact fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council and Planning Commission, and approved by the Governing Body at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $0.15/sqft. of finished floor area prior to issuance of a building permit. This amount is subject to change by Ordinance.

**GOLDEN CRITERIA:**
The character of the neighborhood:
The character of the area is that of a developed retail shopping center (Town Center Plaza) with a major arterial to the south. Across 119th Street to the south is another retail shopping center within the City of Overland Park. Across 117th Street to the north is a mixed use development (Park Place). Across Town Center Drive to the north is a grouping of government owned facilities (Leawood City Hall and Johnson County Public Library). Across Roe Avenue is another retail shopping center (Camelot Court). Across Nall Avenue is a portion of the Sprint campus.

The suitability of the subject property for uses to which it has been restricted:
The subject property has been identified for retail uses. The proposed project is located within the Town Center development which has been developed since 1995. The proposed use is consistent with a proposed retail use. The subject property is suitable for the proposed use.

The time for which the property has been vacant:
The project area is located within the Town Center Plaza development which has been developed since 1995.

The extent to which removal of the restrictions will detrimentally affect nearby property:
Although the site is suitable for the development, stipulations are necessary to ensure a high quality project that fits with the surrounding properties.

The relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed, if any, as a result of denial of the application:
There will be no relative gain to the public health, safety or welfare in denying this application. The application consists of a use which is consistent with those that have been proposed for the subject property by the Comprehensive Plan and zoning of the property. The site is located within the Town Center development, a regional shopping center, which was constructed in 1995. The site is adjacent to 119th Street, an arterial street, and commercial development that includes other retail centers. Denial of the application may cause hardship on the applicant since the intended use for this site is for a retail use.

The recommendation of the permanent staff:
Staff is recommending approval of the case, subject to the stipulations provided in the staff report.

Conformance of the requested change to the adopted master plan of the City of Leawood:
The Comprehensive Plan designates this site as Retail. The plan proposes a retail building on this site. The proposed plan conforms to the comprehensive plan.

STAFF COMMENTS
- Staff would like for all pedestrian crosswalks to be demarcated from the adjacent street pavement to match the existing crosswalks within the Town Center Plaza development. (Stipulation 12)

STAFF RECOMMENDATION:
Staff recommends the Planning Commission approve Case 114-18, Town Center Plaza - Lot 4 Redevelopment, with the following stipulations:
1. The project is limited to the construction of two buildings, one that is 5,725 sq.ft. and one that is 3,638 sq.ft. for a total of 9,363 sq.ft. The overall Town Center Plaza development shall be a total of 683,636 sq.ft. on 70 acres for an F.A.R. of 0.22.
2. The applicant shall be responsible for:
   a) A park impact fee in the amount of $0.15/sq.ft. of finished floor area prior to issuance of a building permit, estimated at current date to be $1,404.45 ($0.15 X 9,363 sq.ft.). This amount is subject to change by Ordinance.
   b) A public art impact fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council and Planning Commission, and approved by the Governing Body at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $.15/sq.ft. of finished floor area prior to issuance of a building permit, estimated at current date to be $1,404.45 ($0.15 X 9,363 sq.ft.). This amount is subject to change by Ordinance.
3. All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed underground. This must be done prior to final occupancy of any building within the project.
4. All utility boxes, not otherwise approved with the final development plan, with a height of less than 55 inches, a footprint of 15 sq. ft. in area or less, or a pad footprint of 15 sq. ft. in area or less, shall be installed only with the prior approval of the Director of Planning as being in compliance with the Leawood Development Ordinance.

5. All utility boxes, not otherwise approved with the final development plan, with a height of 55 inches or greater, a footprint greater than 15 sq. ft. in area, or a pad footprint greater than 15 sq. ft. in area, shall be installed only with the prior recommendation of the Planning Commission as being in compliance with the Leawood Development Ordinance based on review of a site plan containing such final development plan information as may be required by the City, and approved by the Governing Body.

6. All downspouts shall be enclosed.

7. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities, meter banks and air conditioning units, shall be painted to blend with the building and screened from public view with landscaping or with an architectural treatment compatible with the building structure.

8. All rooftop equipment shall be screened from the public view with an architectural treatment, which is compatible with the building architecture. The height of the architectural screen shall be at least as tall as the utility that it is screening.

9. In accordance with the Leawood Development Ordinance, all trash enclosures shall be screened from public view with a 6 foot solid masonry structure to match the materials used in the buildings and shall be architecturally attached to the individual buildings and accented with appropriate landscaping. The gates of the trash enclosures shall be painted, sight obscuring, decorative steel.

10. Per the Leawood Development Ordinance, the source of illumination of all proposed light fixtures shall not be visible.

11. The parking lot light fixtures shall be a maximum of 18’ from grade, including base, and shall match the parking lot light fixtures used for the Aarhus building, directly to the west.

12. Per the Leawood Development Ordinance, pedestrian crosswalks shall be demarcated from the adjacent street pavement to match the existing crosswalks within the Town Center Plaza development.

13. All landscaped areas shall be irrigated.

14. Per the Leawood Development Ordinance, all medium and large deciduous trees shall be 2 1/2” caliper as measured 6” above the ground, all small deciduous and ornamental trees shall be a minimum of 1 1/2” caliper as measured 6” above the ground, conifers and evergreen trees shall be a minimum of 6’ in height, and shrubs shall be a minimum of 24” in height at the time of planting.

15. Per the Leawood Development Ordinance, at the time of planting, plant material screening the ground mounted utilities shall be a minimum of 6” taller than the utility it is to screen, with lower shrubs in the foreground to eliminate any gaps in screening.

16. The approved final landscape plan shall contain the following statements:
   a) All trees shall be calipered and undersized trees shall be rejected.
   b) All parking lot islands shall be bermed to discourage foot traffic.
   c) All hedges shall be trimmed to maintain a solid hedge appearance.
   d) All plant identification tags shall remain until issuance of a Final Certificate of Occupancy.
   e) Any deviation to the approved final landscape plan shall require the written approval of the landscape architect and the City of Leawood, prior to installation.

17. All landscaped open space shall consist of a minimum of 60% living materials.

18. A letter, signed and sealed by a Kansas registered Landscape Architect, shall be submitted prior to final occupancy that states that all landscaping has been installed per the approved landscape plan and all plant material used is to the highest standards of the nursery industry.
19. The applicant shall obtain all approvals and permits from the Public Works Department, per the Public Works memo dated October 19, 2018 on file with the City of Leawood Planning and Development Department, prior to building permit.

20. The applicant shall obtain all approvals from the City of Leawood Fire Department, per the Fire Marshal’s memo, dated October 8, 2018, on file with the City of Leawood Planning and Development Department, prior to issuance of a building permit.

21. An erosion control plan for both temporary and permanent measures to be taken during and after construction shall be required at the time of application for building permit.

22. A cross access/parking easement for the entire development shall be recorded with the Johnson County Registrar of Deeds prior to issuance of a building permit.

23. All sidewalks shall be installed as per street construction standards.

24. No construction shall be allowed between the hours of 9:00 p.m. to 7:00 a.m., and none on Sundays.

25. A sign permit from the Planning Department shall be obtained prior to erection of any signs.

26. All monument signs must meet the requirements of the Leawood Development Ordinance, including being setback a minimum of 5’ from all property lines and sidewalks, and shall not be within traffic circles, or within sign triangles.

27. Development rights under this approval shall vest in accordance with K.S.A. 12-764.

28. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood Development Ordinance, and to execute a statement acknowledging in writing that they agree to stipulations one through twenty-eight.
MEMORANDUM

Date: October 18, 2018

To: Richard Coleman, Director of Community Development

From: Brian Scovill, P.E., City Engineer
Department of Public Works

Re: Town Center Plaza Preliminary Plan
Case Number: 114-18

The Department of Public Works has reviewed the aforementioned project and would like to make the following stipulations as part of the Planning Commission Approval:

1) Storm Water Study:
   a) The application submitted a stormwater study. Since the proposed plan decreases the amount of impervious and stormwater runoff they are exempt from the stormwater treatment requirement.

2) Traffic Study:
   a) The developer submitted a site comparison traffic study on the existing and proposed uses. With this proposed development the PM Peak traffic will decrease by 35 trips and daily trips will increase by 253. Based on trip reductions from recent redevelopment at Town Center Plaza, the proposed redevelopment is expected to have negligible impacts to trip generation.

3) Permanent structures, including monument signs, shall not be placed within the Right-of-Way or Public Easements

4) The developer shall provide as-built storm sewer information in accordance with our standards. This includes, but is not limited to, vertical and horizontal coordinates of all structures constructed or modified, flow line information at each structure, pipe size information, downstream structure numbers and type of structure. This information shall be provided to us on the Johnson County AIMS coordinate system. The spreadsheet for the data will be provided to the developer after the storm sewer improvements have been completed.
5) The Developer agrees to repair any damaged areas between the roadway and the Right-of-Way and Easements. This shall include street lighting equipment, traffic signal equipment, sidewalks, storm sewers, grass, etc.

6) The developer shall obtain and submit to the Department of Public Works and the Building Official a copy of the NPDES Land Disturbance Permit issued by the Kansas Department of Health and Environment prior to any grading work at the site.

7) The Temporary Certificate of Occupancy will not be approved until the above requirements have been met.

If you have any questions, please call me at (913) 339-6700, extension 134.
The Fire Dept. has no objection to this plan.

*Gene Hunter, Leawood Fire Marshal*
Richard A. Sanchez
Planner
City of Leawood Planning Division
4800 Town Center Drive
Leawood, KS 66211

Attn: Richard A. Sanchez, City of Leawood Planning Division

Re: Case 114-18 – Town Center Plaza – Shake Shack – Public Interact Meeting Summary

Dear Mr. Sanchez,

We held a public interact meeting on Monday, October 8th at the site of the subject redevelopment located at 5200 W. 119th Street. The meeting began at 6:00 PM and lasted approximately one hour. The meeting took place inside of the building where we had copies of the set of plans we had submitted to the City for the public to review and discuss. We had two gentlemen show up around 6:00 PM who are Leawood residents. We reviewed the plans with them in detail and discussed the timing of the redevelopment for approximately 30 minutes. After the gentlemen left, we waited an additional 30 minutes for anyone else to show up. The meeting was adjourned at 7:00 PM.

If you have any questions, please email at matt@drakekc.com or call (913) 662-2630.

Sincerely,

Matt Pennington
Manager
OTB Town Center, LLC
<table>
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<tr>
<th>Name (Printed)</th>
<th>Address</th>
<th>Phone Number</th>
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<td>Joe Huber</td>
<td>1357 Granada Ct.</td>
<td>916.591.7771</td>
<td><a href="mailto:JHuber@AHuber.com">JHuber@AHuber.com</a></td>
</tr>
<tr>
<td>Michael Shirley</td>
<td>11505 Juniper Dr.</td>
<td>913.558.6678</td>
<td><a href="mailto:MShirley@JC.com">MShirley@JC.com</a></td>
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<tr>
<td>David Olson</td>
<td>3501 West 647th</td>
<td>214-413-3689</td>
<td><a href="mailto:Daveolson@MonarchProjects.com">Daveolson@MonarchProjects.com</a></td>
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</tbody>
</table>
Final Plat
Town Center Plaza, Third Plat

A replat of Lot 4, Town Center Plaza, a subdivision in the City of Leawood, Johnson County, Kansas, lying in the Southwest Quarter of Section 16, Township 13 South, Range 25 East.

Description:
As Lot 4, Town Center Plaza, a subdivision in the City of Leawood, Johnson County, Kansas, lying in the Southwest Quarter of Section 16, Township 13 South, Range 25 East, containing 0.40 Square Feet or 0.01 acre, as shown on the accompanying plat, which subdivision plat is to be known as the "Town Center Plaza, Third Plat." No. 9-028-0013.00-0000, recorded in the Office of the Register of Deeds of Johnson County, Kansas.

The undersigned owners of the above described land hereby agree that the same shall be sold to C. W. Thompson, doing business as Thompson Development, LLC, for the sum of $100,000.00, subject to the terms and conditions set forth in the Plat.

This plat shall be deemed to be an amendment to the Plat of Lot 4, Town Center Plaza, Third Plat, recorded in the Office of the Register of Deeds of Johnson County, Kansas, and shall hereby become a part of the plat as though set forth herein.

Final Plat
Town Center Plaza, Third Plat

A replat of Lot 4, Town Center Plaza, a subdivision in the City of Leawood, Johnson County, Kansas, lying in the Southwest Quarter of Section 16, Township 13 South, Range 25 East.
**LEAWOOD LANDSCAPE REQUIREMENTS**

**Senator**

1. All signs, landscape, and street furniture shall be placed on or above the street.
2. All signs, landscape, and street furniture shall be maintained in a safe and aesthetically pleasing condition.
3. All signs, landscape, and street furniture shall be clearly visible to the public.

**Street Furniture Details**

- Benches and Planters
- New Street Furniture
- Existing Street Furniture

**Street Furniture Requirements**

- Benches
- Planters
- New Street Furniture
- Existing Street Furniture

**Miscellaneous**

- Trees
- Fencing
- Lighting
- Other

**Site Plan Schedule**

- Site Plan Schedule
- Site Plan Schedule
- Site Plan Schedule
- Site Plan Schedule

**Legend**

- Legend
- Legend
- Legend
- Legend

**Drawing Information**

- Drawing Information
- Drawing Information
- Drawing Information
- Drawing Information

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**Project No.**

- Project No.
- Project No.
- Project No.
- Project No.

**Approved By**

- Approved By
- Approved By
- Approved By
- Approved By

**Checked By**

- Checked By
- Checked By
- Checked By
- Checked By

**Drawn By**

- Drawn By
- Drawn By
- Drawn By
- Drawn By

**Drawing No.**

- Drawing No.
- Drawing No.
- Drawing No.
- Drawing No.

**QA/QC by**

- QA/QC by
- QA/QC by
- QA/QC by
- QA/QC by

**Date**

- Date
- Date
- Date
- Date

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ON THE BORDER REDEVELOPMENT

PRELIMINARY DEVELOPMENT

LEAWOOD, KANSAS

7301 West 133rd Street, Suite 200
Overland Park, KS 66213-4750
ALL EXTERIOR SURFACES SHALL BE SUBMITTED UNDER A CONTRACTOR PRINT BY SIGNAGE VENDOR.
ALL EXTERIOR STOREFRONT PANELS SHALL BE TEMPERED.

keynotes

1. ALL EXTERIOR SURFACES AND TEMPERED GLASS PANELS PRINTED BY SIGNAGE VENDOR.
2. ALL EXTERIOR STOREFRONT PANELS SHALL BE TEMPERED.

general notes

1. ALL EXTERIOR SURFACES AND TEMPERED GLASS PANELS PRINTED BY SIGNAGE VENDOR.
2. ALL EXTERIOR STOREFRONT PANELS SHALL BE TEMPERED.

NOT FOR CONSTRUCTION

CONSTRUCTION

LEAWOOD, KANSAS

SSHNB0012

08/25/2018

01 exterior elevation

02 exterior elevation
01 column footing detail

02 intersecting foundations

03 typ. slab on ground control joint

04 interior slab on ground construction

05 slab reinforcement details

06 typical reinforcing details

07 pipes under foundations

08 equipment curb

09 perimeter stem wall and footing

10 perimeter stem wall and footing

11 perimeter stem wall and footing

12 perimeter stem wall and footing

13 perimeter stem wall and footing

14 perimeter stem wall and footing

15 perimeter stem wall and footing

16 planter foundation detail
material key:
M-6 - atlas, metafore, silversmith
M-7 - metal inset angle, black
GL-2 - aluminum storefront, anodized
T-1-12 - tile base - mosa, quartz series (#4104)
T-11-A - metrobrick, charcoal
T-11-B - metrobrick, empire
P-4-A - paint, sherwin williams sw7069 iron ore
C-1 - exposed concrete planter
material key:
M-6 - atasi, metalic, silver}
M-7 - metal inset angle, black
GL-2 - aluminum storefront, anodized
T-1-12 - tile base - mosa, quartz series (64104)
T-11-A - metrobrick, charcoal
T-11-B - metrobrick, empire
P-4-A - paint, shenwin williams sw7069 iron ore
C-1 - exposed concrete planter
How can we improve our Product Images?

Country of Origin Taiwan | Country of Origin is subject to change.

Not today Please don't invite me again
**CAPACITY**
2 Bikes

**MATERIALS**
- **Standard**
  - 1.9” OD schedule 40 pipe
- **Lightweight**
  - 1.9” OD schedule 10 pipe

**FINISHES**
- **Galvanized**
  - An after fabrication hot dipped galvanized finish is our standard option. 250 TGIC powder coat colors, thermoplastic coating, PVC dip, and stainless steel finishes are also available as alternate options.
- **Powder Coat**
  - Our powder coat finish assures a high level of adhesion and durability by following these steps:
    1. Sandblast
    2. Epoxy primer electrostatically applied
    3. Final thick TGIC polyester powder coat
- **Thermoplastic**
  - In addition to an increased thickness (8-10mils), the thermoplastic finish covers a galvanized layer and offers superior impact resistance over powder coating.
- **Stainless**
  - Stainless Steel: 304 grade stainless steel material finished in either a high polished shine or a satin finish.

**MOUNT OPTIONS**
- **In-ground**
  - In ground mount is embedded into concrete base. Specify in ground mount for this option.
- **Surface**
  - Foot Mount has two 2.5”x6”x25” feet with two anchors per foot. Specify foot mount for this option.
- **Rail**
  - Rail Mounted Swerve Racks are bolted to two parallel rails which can be left freestanding or anchored to the ground. Rails are heavy duty 3”x1.4”x3/16” thick galvanized mounting rails. Specify rail mount for this option.
SHAKE SHACK OUTDOOR ADA RECTANGULAR 4-TOP TABLE

SHOWN IN  GRM slats in Deep Walnut and a powdercoated aluminum base in RAL 7035
Model: SST-O-4T-R-ADA-KD-GRM-DW-7035
Size: 48" x 24.5" x 30"H

AVAILABLE IN

TOP - GRM
- Deep Walnut
- Teak
- Red Cedar

BASE - ALUMINUM
- RAL 7021
- RAL 7035

For more information on replacement parts, please see the Appendix.
SHAKE SHACK OUTDOOR ADA SQUARE 2-TOP TABLE

SHOWN IN  GRM slats in Deep Walnut and a powdercoated aluminum base in RAL 7035
Model: SST-O-2T-S-ADA-KD-GRM-DW-7035
Size: 24.5" x 24" x 30"H

AVAILABLE IN

TOP - GRM

- Deep Walnut
- Teak
- Red Cedar

BASE - ALUMINUM

- RAL 7021
- RAL 7035

For more information on replacement parts, please see the Appendix.
SHAKE SHACK OUTDOOR CHAIR - V 2.0

**SHOWN IN**  
GRM slats in Deep Walnut with a powdercoated aluminum frame in Matte Black  
Model: SSC2-O-GRM-DW-MB  
Size: 15.25" x 15.25" x 32”H

**AVAILABLE IN**

**TOP - GRM**
- Deep Walnut
- Red Cedar
- Teak

**BASE - ALUMINUM**
- RAL 6010
- RAL 7035
- Matte Black

For more information on replacement parts, please see the Appendix.
SHAKE SHACK PICNIC TABLE

SHOWN IN  GRM slats in Red Cedar and a primed, powder coated steel base in Spartan Bronze
Model:  SST-O-PT-80L-GRM
       SST-O-PT-60L-GRM
Size:  60" x 64-7/8" x 29-1/4"H; 80" x 64-7/8" x 29-1/4"H

AVAILABLE IN

TOP - GRM

Deep Walnut

Red Cedar

Teak

BASE - PRIMED POWDERCOATED STEEL

Spartan Bronze

For more information on replacement parts, please see the Appendix.
NOTE:
- RECYCLE CLEAR RECEPTACLE DIMENSIONS

DIMENSIONS ARE IN INCHES
TOLERANCES:
FRACTIONAL: ±1/16"
ANGULAR: MACH 2° BEND ±2°
TWO PLACE DECIMAL ±.005"
THREE PLACE DECIMAL ±.005"

INTERPRET GEOMETRIC TOLERANCING PER: A.N.S.I.

MATERIAL
SEE PARTS

UNLESS OTHERWISE SPECIFIED:

NOTE:
- RECYCLE CLEAR RECEPTACLE DIMENSIONS

RIVERWEST ENGINEERING & DESIGN INC
2229 S 54th STREET
WEST ALLIS, WI 53219
(Ph)414-906-9669  (Fx)414-906-9668

SHAKE SHACK PRO COMBO

SCALE: 1:24WEIGHT: SHEET 1 OF 1
City of Leawood Planning Commission Staff Report

MEETING DATE: October 23, 2018
REPORT WRITTEN: October 12, 2018

RANCH MART NORTH SHOPPING CENTER – REDEVELOPMENT – REQUEST FOR APPROVAL OF A REZONING, PRELIMINARY PLAN, PRELIMINARY PLAT AND SPECIAL USE PERMIT– Located east Mission Road and north of 95th Street – Case 115-18 **Public Hearing**

STAFF RECOMMENDATION:
Staff recommends approval of Case 115-18 – Ranch Mart North Shopping Center – Redevelopment – request for approval of a Rezoning, Preliminary Plan, Preliminary Plat and Special Use Permit, with the stipulations outlined in the staff report.

APPLICANT:
- The applicant is Curtis Petersen with Polsinelli PC.
- The property is owned by:
  - Ranch Mart McDonalds, L.L.C.
  - Ranch Mart North, L.L.C.
  - Linwood Pioneer Cemetery, L.L.C.
  - Leawood Post Office, L.L.C.
- The engineer and architect is Chris Hafner with Davidson a&e.

REQUEST:
- The applicant is requesting approval of a Rezoning, Preliminary Plan, Preliminary Plat and Special Use Permit for a drive-thru pharmacy, for the redevelopment of Ranch Mart North, which consists of 17.23 acres on six tracts of land.
- The applicant proposes to rezone the McDonalds lot, the main retail center and NBKC Bank as SD-CR (Planned General Retail), and the lot on which CareNow (former Post Office) is located, along with the associated parking lot, and cemetery as SD-NCR2 (Planned Neighborhood Retail 2).
- The applicant is requesting to upgrade the entire site parking lot configuration, lighting and landscaping.
- The applicant is requesting to upgrade the façade of the entire main retail center within the development, and the demolition and reconstruction of the eastern end of the main retail center.
- The applicant is decreasing the overall sq.ft. of building area from 221,552 sq.ft. to 217,366 sq.ft, and reducing the F.A.R. of the SD-CR zoning district from 0.32 to 0.31 and of the SD-NCR2 zoning district from 0.06 to 0.07.
- The overall Ranch Mart development shall be made up of 217,366 sq.ft. of construction on 17.23 acres for an F.A.R of 0.31 within the SD-CR zoning district and an F.A.R. of 0.07 within the SD-NCR2 zoning district.

ZONING:
- The majority of the property is currently zoned SD-CR (Planned General Retail), including:
  - Main retail center,
  - NBKC Bank.
- A portion of the property on the southeast corner of the site is currently zoned SD-NCR2 (Planned Neighborhood Retail 2), including:
  - CareNow,
  - CareNow associated parking lot.
- The cemetery is currently zoned R-1 (Planned Single Family Low-Density Residential).
- The McDonalds lot is currently zoned AG (Agriculture).
- The applicant proposes to rezone the entire property into two districts. The proposed zoning of the property is shown below:

**COMPREHENSIVE PLAN:**
- The Comprehensive Plan designates this property as Retail.

**LOCATION:**

**SURROUNDING ZONING:**
- **North** Directly to the north of the property is Curè of Ars church and school, and the Leawood subdivision, a single-family residential subdivision, zoned R-1 (Planned Single-Family Low Density Residential).
- **East** To the east is the Leawood subdivision, a single-family residential subdivision zoned R-1 (Planned Single-Family Low Density Residential).
- **South** To the south is 95th Street, beyond which is the southern portion of the Ranch Mart shopping center, and a retirement living facility within the City of Overland Park.
- **West** To the west is Mission Road, beyond which is a collection of commercial uses within the City of Prairie Village.
SITE PLAN COMMENTS:

- The Ranch Mart development is 17.23 acres, located at the northeast corner of 95th Street and Mission Road. The site includes one existing multi-tenant building, constructed in 1960, hereinafter referred to as the “main center” (located on Tract 1). The site also includes three pad sites; McDonalds (located on Tract 4, southwest corner of the site), constructed in 1992, a bank constructed in 1999 (located on Tract 1, east of main center), and CareNow (the former post office, constructed in 1961) (located on Tract 6-1, southeast corner of the site). Linwood Cemetery is located on the southeastern portion of the site.
- Five foot sidewalks are proposed along the entire site length of 95th Street and Mission Road. Three foot tall masonry screen walls are proposed for the length of 95th Street and Mission Road, with the exception of the McDonalds street frontage, where only a portion of the parking lots are screened. There are four connections from the buildings within the development to perimeter sidewalks along 95th Street and two connections to perimeter sidewalks along Mission Road.
- Four bike rack locations are proposed on the site – two racks on the north side, one on the west side, and one on the south side of the main center.

Main Center

- The main center of the development faces south and west. A large parking lot is located on the south side of the main center and a smaller parking lot is located on the west. The applicant proposes to upgrade the landscape islands in the parking lot, and provide two sidewalk connections through the islands south of the main center to provide pedestrian connectivity from 95th Street and Mission Road to the main center. The applicant proposes to mill and overlay the parking lot pavement of the entire development. New LED parking lot light fixtures are proposed throughout.
- The applicant proposes to reconfigure the vehicular entry on Mission Road, west of the main center.
- The applicant proposes to remove the existing brick structure used as a monument sign/planter box on Mission Road.
- Trash enclosures are located on the north side of the building, architecturally attached to the façade.
- Price Chopper serves as the anchor tenant of the main center. The applicant proposes a new drive-thru pharmacy for Price Chopper, to be located west of the main entrance, in the location of the current drive-thru used for grocery pick-up.
- A portion of the main center, east of Price Chopper, is proposed to be demolished to provide room for a pedestrian plaza area with connection to a larger plaza space surrounding the proposed two-story office/retail building in the northeast corner of the site. An architectural gateway feature will span the walkway, serving as an entrance to the gathering space.
- The applicant proposes to remove one driveway entrance along 95th Street, between the McDonalds entrance and the stoplight to the east.

Southeast Corner of Main Center: Retail Building

- The southeastern corner of the main center is proposed to remain.
- A new 2’ tall, integrated, metal faced planter with a bronze finish is proposed to wrap the corner of the east end, defining the tenant patio space from the approximately 6’ sidewalk.

Northeast Corner of Main Center: Proposed Retail and Office Building

- The existing extension to the main center located on northeast corner of the main center is proposed to be demolished. The application proposes the construction of a two-story office/retail building.
• The new building will be separated from the existing center by a pedestrian plaza space, approximately 300’ long and 35’-60’ wide, with landscaping, lighting and seating amenities. The plaza is proposed to have a series of dark and light concrete pavement, creating a patterned affect.
• The eastern entrance to the plaza is protected from the adjacent drive lane with illuminated bollards approximately 40” in height.

East of Main Center: NBKC Bank
• The 32’-0” tall NBKC Bank building will remain as existing.
• The parking field surrounding the bank will be reconfigured with additional parking lot islands and pavement striping.
• New islands will be provided for the bank teller lanes.
• A new 7” concrete sidewalk is proposed to wrap the north, east and south sides of the building.
• A 5’ sidewalk connection is proposed from the main center to the bank.
• A trash enclosure is proposed to be located on the west side of the bank drive-thru lanes, architecturally attached to the columns.

McDonalds
• The existing 16’-0” tall building and associated drive-thru are to remain as existing.
• The applicant proposes newly configured islands on the north side of the McDonalds parking field to provide better traffic circulation.
• A monument sign is proposed on 95th Street near the McDonalds driveway entrance, and along Mission Road near the southern driveway entrance.

CareNow
• The 24’-0” tall CareNow building will remain as existing.
• The applicant proposes to reconfigure the parking lot with 90 degree parking, upgrade the landscape islands and create better circulation with the main center parking lot.

Cemetery
• The existing drive aisle south of the cemetery will be removed and replaced with green space and additional landscaping.
• The existing sidewalk on the eastern side of the cemetery will be removed. A new pedestrian connection will be provided on the north side of the cemetery.

BULK REGULATIONS:
The subject site was developed prior to the adoption of the current ordinance. Some of the site characteristics are nonconforming as they relate to the required bulk regulations of the SD-CR and SD-NCR2 zoning districts. However, the nonconforming site characteristics are considered legally nonconforming. The following table summarizes criteria that are required along with the existing and what is currently proposed.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exterior Structure Setback – 95th Street (CareNow)</td>
<td>40’</td>
<td>15’</td>
<td>15’</td>
<td>Legally Non-Conforming</td>
</tr>
<tr>
<td>Exterior Structure Setback – Mission Road</td>
<td>40’</td>
<td>40’</td>
<td>40’</td>
<td>Complies</td>
</tr>
<tr>
<td>Exterior Structure Setback – North Property Line (Price Chopper)</td>
<td>40’</td>
<td>84’</td>
<td>84’</td>
<td>Complies</td>
</tr>
<tr>
<td>Criteria</td>
<td>Required</td>
<td>Existing</td>
<td>Proposed</td>
<td>Criteria</td>
</tr>
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<td>-------------------------------------------------------------------------</td>
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<td>------------------</td>
</tr>
<tr>
<td>Exterior structure setback from east property line (CareNow)</td>
<td>75'</td>
<td>50'</td>
<td>50'</td>
<td>Legally Non-Conforming</td>
</tr>
<tr>
<td>Residential Structure Setback – SD-CR (North Property Line) (Price Chopper)</td>
<td>125'</td>
<td>84'</td>
<td>84'</td>
<td>Legally Non-Conforming</td>
</tr>
<tr>
<td>Residential Structure Setback – SD-CR (East Property Line)</td>
<td>125'</td>
<td>175'</td>
<td>175'</td>
<td>Complies</td>
</tr>
<tr>
<td>Residential Structure Setback – SD-NCR2</td>
<td>75'</td>
<td>50'</td>
<td>50'</td>
<td>Legally Non-Conforming</td>
</tr>
<tr>
<td>Minimum Open Space %</td>
<td>30%</td>
<td>13%</td>
<td>18%</td>
<td>Legally Non-Conforming</td>
</tr>
<tr>
<td>Minimum Interior Open Space %</td>
<td>10%</td>
<td>11%</td>
<td>12%</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum Acres</td>
<td>10 acres</td>
<td>17.23 acres</td>
<td>17.23 acres</td>
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<tr>
<td>Parking setback on north property line</td>
<td>25'</td>
<td>10'</td>
<td></td>
<td>Reduces Non-conformity</td>
</tr>
<tr>
<td>Parking setback along Mission Road</td>
<td>25'</td>
<td>0'</td>
<td>10'</td>
<td>Reduces Non-conformity</td>
</tr>
<tr>
<td>Parking along 95th Street (McDonalds)</td>
<td>25'</td>
<td>5'</td>
<td>5'</td>
<td>Legally Non-Conforming</td>
</tr>
<tr>
<td>Parking along 95th Street (Main Center)</td>
<td>25'</td>
<td>2'-6&quot;</td>
<td>14'-6&quot; to 15'-6&quot;</td>
<td>Reduces Non-conformity</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (F.A.R.) – SD-CR</td>
<td>0.25</td>
<td>0.32</td>
<td>0.31</td>
<td>Legally Non-Conforming</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (F.A.R.) – SD-NCR2</td>
<td>0.20</td>
<td>0.09</td>
<td>0.07</td>
<td>Complies</td>
</tr>
<tr>
<td>Height Limit – SD-CR</td>
<td>50’ (max.)</td>
<td>32’</td>
<td>38'-6&quot;</td>
<td>Complies</td>
</tr>
<tr>
<td>Height Limit – SD-NCR2</td>
<td>40’ (max.)</td>
<td>24’</td>
<td>24’</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**Requested Deviations:**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior Structure Setback</td>
<td>10’</td>
<td>0’</td>
<td>0’</td>
<td>Deviation Requested</td>
</tr>
<tr>
<td>Interior Parking Setback</td>
<td>10’</td>
<td>0’</td>
<td>0’</td>
<td>Deviation Requested</td>
</tr>
</tbody>
</table>

**TRAFFIC:**
- The traffic memo was provided for review by the Public Works Department detailing existing and proposed vehicular entry points, and trip generation for the AM and PM.

**PARKING:**
- Parking is provided throughout the site with the larger parking fields located to the south, east and west of the main center. A narrower parking lot is located along the north side of the main center.
- Per the Leawood Development Ordinance, parking within the SD-CR district is required at a ratio of 3.5 to 4.5 parking spaces per 1,000 sq.ft. of building area, except for food related businesses in which 1 parking space is required for every 2 seats, or by an alternative parking study.
- Per the Leawood Development Ordinance a minimum of 487 parking spaces is required for the retail businesses (3.5 parking spaces per 1,000 sq.ft.) and another 441 parking spaces for existing and proposed restaurants seating for a total of 928 parking spaces with this application. The applicant is proposing 934 parking spaces. The proposed number of parking spots is in conformance with the Leawood Development Ordinance. The total number of existing parking spaces is 846 (82 less than required).

**ELEVATIONS:**
- Elevations are reviewed and approved at the time of Final Plan application, however, the applicant has provided preliminary elevations and materials at this time.
South Elevation – Section A
- Section A of the southern elevation includes the building area to the west of Price Chopper.
- The main building entrances will face the south, and will be accessible via the covered sidewalk adjacent to the main entrances.
- Section A of the southern elevation is proposed to be 26'-6" (1-story) in height with a flat roof.
- The façade is composed primarily of brick in dark gray, and stone tile in varying shades of light gray.
- The façade is accented with wooden awnings in a natural tone, and semi-translucent glass panels that are open to the breezeway above the front walkway.
- Perforated metal screens serve as accents in signage areas.
- ACM aluminum composite panels serve as accent bands on columnar projections.
- The storefronts will be composed of clear, 1” insulated glass with 2” clear anodized frames.
- Rooftop units will be site obscured by the building parapet.

South Elevation – Section B
- Section B of the southern elevation includes Price Chopper.
- Section B of the southern elevation is proposed to be 28'-0" (1-story) in height with a flat roof.
- Price Chopper will be faced primarily with ACM aluminum composite panels. Dark gray brick will accent the pharmacy drive-thru area.
- A cementitious panel with integrated signage will surround the main entrance of the building. Wooden awnings will accent the main entrance.
- A canopied walkway will exist east of the main entrance and connect to the eastern corner of the main retail center. There is no covered walkway from the main entrance of Price Chopper to the tenant spaces located west of the proposed pharmacy drive-thru.
- Rooftop units will be site obscured by the building parapet.

South Elevation – Section C
- Section C of the southern elevation includes the building area to the east of Price Chopper.
- Section C of the southern elevation is proposed to be 24'-2" (1-story) in height with a flat roof.
- The façade is proposed to be composed primarily of brick in dark gray, and stone tile in varying shades of light gray.
- A break in the façade is located just east of Price Chopper, and is accented with a 13'-6" free-standing gateway faced with stone tile. This serves as the entryway to the pedestrian plaza space.
- A metal faced planter is proposed to wrap the corner of the eastern end, in front of the corner tenant space, and is used to separate the proposed patio space from the pedestrian sidewalk.
- Rooftop units will be site obscured by the building parapet.

West Elevation
- The façade is composed primarily of brick in dark gray, and stone tile in varying shades of light gray.
- The west elevation is proposed to be 24'-4" (1-story) in height with a flat roof.
- The façade is accented with wooden awnings in a natural tone, and semi-translucent glass panels that are open to the breezeway above the front walkway.
- A covered walkway spans the western façade.
- Rooftop units will be site obscured by the building parapet.
**East Elevation**
- The eastern façade is composed of two separate buildings – the eastern end of the main retail center and a newly constructed, two-story (38'-6" tall), retail and office building. The buildings are separated by a pedestrian plaza space.
- The eastern elevation has a flat roof.
- A covered walkway spans the eastern facades of both buildings.
- The facades are composed primarily of brick in dark gray, and stone tile in varying shades of light gray.
- Perforated metal screens with abstract patterns accent the façade for a modern architectural appeal.
- The two-story office/retail building will have a second-story balcony, with metal railing, overlooking the pedestrian plaza space.
- Rooftop units will be site obscured by the building parapet.

**North Elevation**
- The northern elevation is composed of two separate buildings – the northern side of the two-story office and retail building (38'-6" tall), and the northern side of the main retail center (24'-6" tall).
- The northern elevation has a flat roof.
- The facades are composed primarily of brick in dark gray, and stone tile in varying shades of light gray.
- Perforated metal screens with abstract patterns accent the façade for a modern architectural appeal.
- A covered walkway spans the northern facades of the main retail center.
- Rooftop units will be site obscured by the building parapet.

**SIGNAGE:**
- Ranch Mart has sign criteria recommended by the Planning Commission and approved by the Governing Body. Signage is reviewed administratively. No signage is proposed with this application.

**LANDSCAPING:**
- The applicant provided a preliminary landscape plan. Landscape plans are approved at the time of Final Plan.
- Perimeter street trees will be installed along 95th Street at a rate of 1 per 35 lineal feet. A continuous row of shrubs will be installed between the trees, in front of the 3’ tall parking lot screen walls located along Mission Road and 95th Street.
- Additional trees will be provided in the new green space located south of the cemetery, providing screening from 95th Street.
- The applicant is proposing that parking lot islands will contain two trees where possible, and one within smaller islands.
- The pedestrian plaza space between buildings will be accented with trees, creating comfortable places to sit and interact.
- The existing trees on the north and east property lines (areas adjacent to single family residential) are to remain as existing.
- The following table summarizes landscaping requirements of the Leawood Development Ordinance adjacent to the public right-of-way:
**Note:** The landscaping at Ranch Mart is considered existing non-conforming therefore any increase in landscaping is considered a decrease in the non-conformity.

**LIGHTING:**
- Lighting is reviewed at the time of Final Plan.
- New 18' LED parking lot light fixtures are proposed throughout the parking field of the entire development.

**PRELIMINARY PLAT:**
- A Preliminary Plat for the Ranch Mart North shopping center was submitted for existing Tracts 1 through Tracts 6-2.
- The proposed Preliminary Plat encompasses all of the Ranch Mart North development, excluding the existing cemetery. The proposed Preliminary Plat will combine the existing Tracts into three lots.
- The Preliminary Plat of Ranch Mart North consists of the following:

<table>
<thead>
<tr>
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<tr>
<td>2 (NBKC Bank &amp; Parking)</td>
<td>3.65</td>
</tr>
<tr>
<td>3 (CareNow &amp; Parking)</td>
<td>1.26</td>
</tr>
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</table>

**IMPACT FEES:**
- A total of 27,597 sq.ft. of new construction is proposed with this application.
  - **PUBLIC ART IMPACT FEE:** The applicant/owner shall be responsible for a public art impact fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council, Planning Commission, and approved by the Governing Body at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $0.15/sq.ft. of finished floor area. This amount is subject to change by Ordinance.
  - **PARK IMPACT FEE:** A park impact fee in the amount of $0.15/square foot of finished floor area is required prior to issuance of a building permit. This amount is subject to change by Ordinance.

**INTERACT MEETING:**
- The applicant held an Interact Meeting on Thursday, October 11, 2018. A summary and sign-in sheet from the meeting are attached.

**GOLDEN CRITERIA:**
- **The character of the neighborhood:** The subject property is a commercial development located at the northeast corner of 95th Street and Mission Road. Commercial developments exist at the other three corners of this intersection. A religious institution and school are located to the north. Single-family residential properties are located to the north and east. The character of the neighborhood is commercial uses mixed with institutional and residential land uses.
The zoning and uses of properties nearby:
The surrounding properties consist of single-family residential uses zoned R-1 (Planned Single Family Low-Density Residential) to the north and east, commercial and multi-family residential to the south within the City of Overland Park, and commercial uses to the west within the City of Prairie Village.

The suitability of the subject property for uses to which it has been restricted:
The subject property is a commercial development that has been in existence for over 50 years and is located at an intersection of two arterial streets with commercial development located on the other three corners of the intersection. The property is suitable for the uses to which it has been restricted.

The extent to which removal of the restrictions will detrimentally affect nearby property:
The project is suitable to this site, but the stipulations recommended for approval with this application are necessary to ensure a high quality development.

The length of time that the property has been vacant:
The property is not vacant. It has been developed as a retail shopping center since at least 1960.

The relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed, if any, as a result of denial of the application:
The property is a commercial development that has existed for over fifty years. Denial of the application will not result in a relative gain to the public health, safety and welfare because the project does not propose any new uses, but proposes improvements and upgrades to the current development. The applicant proposes improvements to public health, safety and welfare by improving traffic circulation, improving the existing building conditions, and providing additional separation between the arterial streets and adjacent parking lots.

The recommendation of the permanent staff:
City Staff recommends approval of the application with the stipulations in the staff report.

Conformance of the requested change to the adopted master plan of the City of Leawood:
The Comprehensive Plan designates this property for retail uses. The zoning is SD-CR (Panned General Retail) and SD-NCR2 (Planned Neighborhood Retail 2). The uses conform to both the master plan and zoning of the City of Leawood.

STAFF COMMENTS:
- Staff recommends the trash enclosure for NBKC Bank be relocated from the west side of the drive-thru to the main building structure. Per the Leawood Development Ordinance, the trash enclosure shall be architecturally attached to the building. (Stipulation 9)
- The applicant does not propose to plant street trees along Mission Road due to utility easements within the right-of-way. Staff recommends street trees be provided at a rate of 1 per 35 lineal feet along Mission Road per the Leawood Development Ordinance Section 16-4-7.3 B (1). (Stipulation 18)
- Staff recommends that, along Mission Road, the applicant move the 3’ tall parking lot screening wall to the west side of the sidewalk, and ensure that the top of the sidewalk matches the height of the parking lot curb (Stipulation 19). This is to avoid a drop off between the screening wall and the parking lot, and to provide greater space between vehicles in the parking lot and the wall.
• The applicant does not propose parking lot screening along the entire McDonalds parking lot frontage. Staff recommends that a 3’ tall screen wall be added along the entire McDonalds parking lot frontage, with landscaping viewable from Mission Road and 95th Street, to match what is proposed along the remainder of the parking lot frontages, per the Leawood Development Ordinance Section 16-4-7.3 B (3). *(Stipulation 21)*

• Staff recommends the applicant remove the two corner parking spaces closest to Mission Road, within the parking lot west of the main center, for circulation purposes. One corner parking space faces north and one corner parking space faces south. *(Stipulation 23)*

• The applicant excluded Linwood Pioneer Cemetery from the Preliminary Plat. Staff recommends that the cemetery be included in the Final Plat for Ranch Mart North development, per Section 16-8-1.5 of the Leawood Development Ordinance. *(Stipulation 32)*

**STAFF RECOMMENDATION:**
Staff recommends the Planning Commission approve Case 115-18 – Ranch Mart North Shopping Center – Redevelopment – request for approval of a Rezoning, Preliminary Plan, Preliminary Plat and Special Use Permit with the following stipulations:

1. This approval is limited to 27,597 sq.ft. of new construction, site improvements, and a total of 217,366 building sq.ft. for the Ranch Mart North development, located on 17.23 acres for an F.A.R. of 0.31 within the SD-CR zoning district and an F.A.R. of 0.07 in the SD-NCR2 zoning district.

2. The Special Use Permit shall be issued to Ranch Mart North, LLC and per the Leawood Development Ordinance, shall be limited to a term of 20 years from the date of Governing Body approval.

3. The applicant shall be responsible for the following impact fees:
   a. The applicant/owner shall be responsible for a public art impact fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council, Planning Commission and approved by the Governing Body at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $0.15/sq.ft. of finished floor area, prior to issuance of a building permit. This amount is subject to change by Ordinance.
   b. A park impact fee in the amount of $0.15/square foot of finished floor area is required prior to issuance of a building permit. This amount is subject to change by Ordinance.

4. All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed underground. This must be done prior to final occupancy of any building within the project.

5. All utility boxes, not otherwise approved with the final development plan, with a height of less than 55 inches, a footprint of 15 sq.ft. in area or less, or a pad footprint of 15 sq.ft. in area or less, shall be installed only with the prior approval of the Director of Planning as being in compliance with the Leawood Development Ordinance.

6. All utility boxes, not otherwise approved with the final development plan, with a height of 55 inches or greater, a footprint greater than 15 sq.ft. in area, or a pad footprint greater than 15 sq.ft. in area, shall be installed only with the prior recommendation of the Planning Commission as being in compliance with the Leawood Development Ordinance based on review of a site plan containing such final development plan information as may be required by the City, and approved by the Governing Body.

7. Per the Leawood Development Ordinance all pedestrian crosswalks shall be demarcated from the adjacent street pavement with a different material and color.

8. The project includes the following deviations:
   • 0’ Interior parking setback
   • 0’ Interior building setback
9. In accordance with the Leawood Development Ordinance, all trash enclosures shall be screened from public view with a 6 foot solid masonry structure to match the materials used in the buildings and shall be architecturally attached to the individual buildings and accented with appropriate landscaping. The gates of the trash enclosures shall be painted, sight obscuring, decorative steel. At the time of Final Plan, the applicant shall relocate the proposed trash enclosure at the NBKC Bank.

10. All buildings within this development shall conform to the architectural type, style, and scale of the buildings approved by the Governing Body at Final Plan.

11. All downspouts shall be enclosed.

12. All rooftop equipment shall be screened from the public view with an architectural treatment, which is compatible with the building architecture. The architectural treatment screening the utilities shall be at least as tall as the utilities they are to screen.

13. Per the Leawood Development Ordinance, all parking lot light fixtures associated with this project shall be a maximum of 18’ in height from grade, including base.

14. Material boards shall be submitted at the time of Final Plan application.

15. A 3D model(s) of the development shall be submitted at the time of Final Plan application.

16. At the time of Final Plan, the photometric study meeting the requirements of the Leawood Development Ordinance shall be required. The photometric study shall include the pedestrian plaza.

17. Per the Leawood Development Ordinance, the perimeter area of all on-site open parking areas shall be screened from the view of adjacent properties and streets to a minimum height of 3 feet by the use of a combination of berms and/or walls accented with plant material.

18. Per the Leawood Development Ordinance, one (1) tree shall be provided for each 35 feet of street frontage within the landscaped setback abutting said street frontage.

19. Along Mission Road, the applicant shall move the 3’ tall parking lot screening wall to the west side of the sidewalk, and ensure that the top of the sidewalk matches the height of the parking lot curb.

20. Per the Leawood Development Ordinance, at the time of planting, plant material screening the ground mounted utilities shall be a minimum of 6” taller than the utility it is to screen, with lower shrubs in the foreground to eliminate any gaps in screening.

21. Per the Leawood Development Ordinance, the perimeter area of all on-site open parking areas shall be screened from the view of adjacent properties and streets to a minimum height of 3 feet by the use of a combination of berms and/or walls accented with plant material.

22. All landscaped areas shall be irrigated.

23. The applicant shall remove the two corner parking spaces closest to Mission Road, within the parking lot west of the main center, for circulation purposes. One corner parking space faces north and one corner parking space faces south.

24. The applicant shall obtain all approvals and permits from the Public Works Department, per the public works memo dated October 19, 2018 on file with the City of Leawood Planning and Development Department, prior to recording the plat.

25. The applicant shall obtain all approvals from the City of Leawood Fire Department, per the Fire Marshal’s memo October 18, 2018 on file with the City of Leawood Planning and Development Department, prior to issuance of a building permit.

26. Signage is not approved with this application. All signage shall meet all the requirements of the Leawood Development Ordinance and sign criteria for the Ranch Mart development.

27. A Sign Permit shall be required from the City of Leawood Community Development Department prior to installation.

28. All restaurant patio sound systems and/or televisions shall be demonstrated to meet the maximum noise level of 60 decibels at the property line, per the Leawood Development Ordinance.

29. All outdoor televisions shall be faced away from residential neighborhoods.
30. The Owner/Applicant shall establish a funding mechanism to maintain, repair and/or replace all common areas and common area improvements including, but not limited to, streets, walls, and storm water system improvements. The mechanism will include a deed restriction running with each lot in the development that will mandate that each owner must contribute to the funding for such maintenance, repair and/or replacement and that each lot owner is jointly and severally liable for such maintenance, repair and/or replacement, and that the failure to maintain, repair or replace such common areas or common area improvements may result in the City of Leawood maintaining, repairing and replacing said common areas and/or improvements, and the cost incurred by the City of Leawood will be jointly and severally assessed against each lot, and will be the responsibility of the owner(s) of such lot.

31. A cross access/parking easement for the entire development shall be recorded on the plat with the Johnson County Registrar of Deeds prior to issuance of a building permit.

32. The Linwood Pioneer Cemetery shall be included with the Final Plat of Ranch Mart North development.

33. This Preliminary Plan approval shall lapse in two years, if construction on the project has not begun or if such construction is not being diligently pursued; provided, however, that the developer may request a hearing before the Governing Body to request an extension of this time period. The Governing Body may grant one such extension for a maximum of 12 months for good cause shown by the developer.

34. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through thirty-four.
MEMORANDUM

Date: October 18, 2018

To: Richard Coleman, Director of Community Development

From: Brian Scovill, P.E., City Engineer
Department of Public Works

Re: Ranch Mart North Shopping Center – Preliminary Plan
Case Number: 115-18

The Department of Public Works has reviewed the aforementioned project and would like to make the following stipulations as part of the Planning Commission Approval:

1) Traffic Study:
   a) The developer submitted a site comparison traffic study on the existing and proposed uses. With this proposed development the PM Peak traffic will increase by 9 trips and AM trips will increase by 25. Based on this comparison, the proposed redevelopment is expected to have negligible impacts to trip generation.

2) Storm Water Study
   a) The proposed pervious area is increasing from 13.4% to 18.3%, therefore no stormwater detention of treatment facilities are required.
   b) The developer shall provide a dedicated drainage easement for all public stormwater infrastructure.

3) The developer shall construct five foot wide sidewalks along Mission Road and along 95th Street. This sidewalk shall be widened to 6 foot if located adjacent to a wall. The sidewalk may be narrowed to 5' when against the wall to accommodate required street trees. The detail and locations of the narrowed sidewalk for street trees shall be coordinated prior to final engineering plan approval. The sidewalk easements will be determined at final engineering plan approval and shall be submitted prior to a Right-of-Way Permit for the proposed improvements.

4) Permanent structures, including monument signs, shall not be placed within the Right-of-Way or Public Easements
5) All public improvements shall be designed and constructed in accordance with the City of Leawood Public Improvement Construction Standards as developed by the Department of Public Works (latest revision).

6) The permit fee for plan review and construction observation shall be five (5) percent of the construction cost for all improvements within the Right-of-Way or Public Easement(s) granted to the City of Leawood. The fee will be charged and collected from the Contractor prior to issuance of the permit from the Department of Public Works.

7) The developer shall provide as-built storm sewer information in accordance with our standards. This includes, but is not limited to, vertical and horizontal coordinates of all structures constructed or modified, flow line information at each structure, pipe size information, downstream structure numbers and type of structure. This information shall be provided to us on the Johnson County AIMS coordinate system. The spreadsheet for the data will be provided to the developer after the storm sewer improvements have been completed.

8) The Developer agrees to repair any damaged areas between the roadway and the Right-of-Way and Easements. This shall include street lighting equipment, traffic signal equipment, sidewalks, storm sewers, grass, etc.

9) The developer shall obtain and submit to the Department of Public Works and the Building Official a copy of the NPDES Land Disturbance Permit issued by the Kansas Department of Health and Environment prior to any grading work at the site.

10) The Temporary Certificate of Occupancy will not be approved until the above requirements have been met.

If you have any questions, please call me at (913) 339-6700, extension 134.
This will do. Thanks, Gene

See additional plan attached – forgot to attach it!

Thanks,

Jessica
Ranch Mart North Shopping Center  
October 11, 2018 Interact Meeting  

Attendance:  
Bob Regnier, Owner  
Trip Ross, Cadence Commercial  
Len Corsi, Johnson County Management  
Chris Hafner, Davidson Design  
Amy Grant, Polsinelli PC  

See sign-in sheet for residents: approximately 10 people in attendance. Also in attendance were Councilwoman Debra Filla, Councilman Andrew Osman, and Councilman Jim Rawlings.

The meeting began at 6:00 p.m. Mr. Ross made some introductory remarks regarding the overall vision for the redevelopment. Mr. Hafner than walked through the site plan explaining the proposed improvements including, but not limited to, new sidewalks and crosswalks to improvement pedestrian walkability, potential speed table top in front of the Price Chopper to help control the speed of vehicles through the center, the burial of power lines with landscaping and screening elements along the street edge, improvements to the parking lot and drive aisles, and new pedestrian plaza in northeast corner of the site. Mr. Hafner also explained that several tenants were choosing to undergo interior renovations as well. This includes the Price Chopper grocery store, who would like to convert the existing grocery pick-up to a pharmacy pick-up area. Mr. Hafner then walked through the proposed changes to the building architecture.

The following is a summary of the question and answer portion of the meeting.

1. Please explain the Rezoning request that was identified in the notice letter?
Response: The rezoning item is simply “cleaning up” the zoning of the property from previous years. City staff asked us to do this and we have agreed to do so. The zoning will no changed the allowed uses within the project.

2. Will the Developer be seeking any variances to height – with regard to the 2-story office building?
Response: No, the current zoning allows for this use and height. The height of the new building will be approximately 39 feet in height. However, an individual on the second floor of the building will be approximately 16 feet in height at the finished floor level.

Comments from the Developer: In addition, we would point out that the existing light poles within the center are at 24 feet in height and we are reducing those to 18 feet in height with LED lighting and shielded light source.
3. Many of recall the history of the BBQ restaurant that wanted to occupy what is now the CareNow use. Tell us a bit about the new proposed restaurant space at the east end of the building?
Response: This proposed restauranteur is a well-organized group with excellent operations. We are visiting with them about proper ventilation and overall operations of the facility.

4. How is leasing today?
Response: The center is currently 90% leased. We will be working on leasing the new 2-story building and few spaces along the west side of the Center facing Mission Road.

5. How big will the new 2-story building be?
Response: The floor plate is approximately 13,000 square feet.

6. Have you found a space to re-locate the dentist tenant?
Response: Not yet. We are still working on that.

7. What is construction timeline?
Response: Our goal is to start the renovation in the Spring of 2019 with total construction taking approximately 8 to 10 months.

8. How will trucks access the north side of the grocery store?
Response: Similar to today, they will access the site from the northern most drive along Mission Road.

The meeting concluded at 6:45 p.m.
**MEETING SIGN-IN SHEET**

<table>
<thead>
<tr>
<th>Project: Ranch Mart North</th>
<th>Meet Date: Thursday, October 11, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilitator: Cadence/Johnson County Management</td>
<td>Place/Room: Leawood City Hall-Maple Room</td>
</tr>
<tr>
<td>Application #: NC 115-18</td>
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</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debra Filla</td>
<td>6305 Belinda Dr</td>
<td><a href="mailto:dstilla@attglobal.net">dstilla@attglobal.net</a></td>
</tr>
<tr>
<td>Ken Bell</td>
<td>9323 Mohawk</td>
<td><a href="mailto:kbell@blissappraisal.com">kbell@blissappraisal.com</a></td>
</tr>
<tr>
<td>Andrew Osman</td>
<td>3312 W 86th Leawood</td>
<td><a href="mailto:ozman240@aol.com">ozman240@aol.com</a></td>
</tr>
<tr>
<td>Name</td>
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<td>Email Address</td>
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</tr>
<tr>
<td>Martha &amp; Kerry Sabin</td>
<td>9404 Cherokee P.</td>
<td><a href="mailto:gas15green@gmail.com">gas15green@gmail.com</a></td>
</tr>
<tr>
<td>Chris Myers</td>
<td>3705 W. 95th</td>
<td><a href="mailto:cmyers@jcemce.com">cmyers@jcemce.com</a></td>
</tr>
<tr>
<td>Bob Kolich</td>
<td>9401 Mission Rd</td>
<td><a href="mailto:BobKolich@curecancers.com">BobKolich@curecancers.com</a></td>
</tr>
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**MEETING SIGN-IN SHEET**

- **Project:** Ranch Mart North
- **Meet Date:** Thursday, October 11, 2018
- **Facilitator:** Cadence/Johnson County Management
- **Place/Room:** Leawood City Hall-Maple Room
- **Application #:** NC 115-18
October 12, 2018

Mr. Chris Hafner, AIA
Davidson A+E
4301 Indian Creek Parkway
Overland Park, KS  66207

RE: Ranchmart North Trip Generation Letter – Leawood, KS

Dear Mr. Hafner,

As requested, Priority Engineers, Inc. has estimated the trip generation for the proposed Ranchmart North redevelopment. The redevelopment will involve demolition of the eastern portion of the main building which previously has housed a bowling alley and other retail uses. The eastern portion of the main building will be replaced with two separate structures with a pedestrian plaza. The proposed buildings are expected to contain a variety of retail and offices uses. The Bank located near the northeastern corner of the site will also be removed and replaced with a new freestanding building. The redevelopment will create a slight reduction in overall square footage.

The vehicle trips generated were estimated using the Institute of Transportation Engineers’ Trip Generation Manual, 10th Edition for both the existing and redeveloped site. Table 1 below illustrates the difference in trip generation for this site.
The proposed redevelopment would be expected to generate 25 additional trips in the AM Peak Hour, and 9 in the PM Peak Hour. This represents increases of approximately 9% and 1% respectively, and will not result in a significant traffic impact on the adjacent streets.

In addition to the demolition and reconstruction of buildings within the site, a number of improvements and updates to the access to the site will be made. The two western most entrances on 95th Street are being consolidated. The proposed entrance will increase the distance between Mission Road and the first access point onto 95th Street. This entrance, like the existing entrances it will replace, will be restricted to right-in/right-out access by the concrete median on 95th Street.

The signalized entrance located approximately 700’ east of Mission Road will remain at the same location, but the throat length will increase from approximately 25’ to approximately 180’.

Both access points along Mission Road will be more clearly defined. The access north of McDonald’s will have an increased throat length along the northern side of the drive, while maintaining the existing McDonald’s access to the south. The northern most access point will be narrowed and the throat length increased to approximately 70’.

Please let me know if you have any questions or require additional information. I can be reached at (816) 738-4400.
Sincerely,

PRIORITY ENGINEERS, INC.

Kristin L. Skinner, P.E., PTOE
President
Ranchmart North Building Materials

- Glidden Mountain Slate Blue
- Benjamin Moore Trout Gray
- Benjamin Moore Thundercloud Gray
- Benjamin Moore Bunny Gray
- Benjamin Moore Distant Gray
- Benjamin Moore Chadwick Brown

- Zinc Panels (colors per elevations)
- Stainless Steel Lathing
- Dark Gray Brick - Brick 1
- Perforated Screen pattern 1, pattern 2, pattern 3, pattern 4 (bld)
- Scoopled Compostitious Panels

- Wood Element
- Painted Metal Framing
- Stone Tile - 1
- Stone Tile - 2
- Stone Tile - 3
- Stone Tile - 4

- Clear Glass - Glass 1 (1" Insulated Glass)
- Brush Painted Glass - Glass 2
- Fritted Glass
- Backlit Semi-Translucent Panel - Glass 4
- Fabric Awning (location and colors to be determined)
City of Leawood Planning Commission Staff Report

MEETING DATE: October 23, 2018
REPORT WRITTEN: October 9, 2018

THREE HALLBROOK PLACE – OFFICE BUILDING – REQUEST FOR APPROVAL OF A PRELIMINARY PLAN AND PRELIMINARY PLAT – Located south of College Boulevard and west of State Line Road – Case 116-18 **PUBLIC HEARING**

STAFF RECOMMENDATION:
Staff recommends approval of case 116-18 – Three Hallbrook Place, a request for approval of a Preliminary Plan and Preliminary Plat with the stipulations outlined in the staff report.

APPLICANT:
- The applicant is David Rezac of VanTrust Real Estate, LLC
- The property is owned by Hallbrook Office Center, LLC
- The engineer is Judd Claussen, PE with Phelps Engineering, Inc.
- The architect is Sandy Price with Burns & McDonnell
- The landscape architect is Scott Bingham with BBN Architects, Inc.

REQUEST:
- The applicant is requesting approval of a Preliminary Plan and Preliminary Plat located on the southwest corner of College Boulevard and State Line Road. Three Hallbrook Place will consist of a 4-story, 119,853 sq.ft. office building.
- The Hallbrook Office Center Development for buildings 2 (existing) and 3 (proposed), zoned SD-O shall be made up of 235,285 sq.ft. of construction on 23.2 acres for an F.A.R of 0.23.

ZONING:
- The property is currently zoned SD-O (Planned Office District).

COMPREHENSIVE PLAN:
- The Comprehensive Plan designates this property as Mixed Use.

SURROUNDING ZONING:
- North: Directly to the north of the property is College Blvd. On the north side of College Blvd. is an undeveloped lot that is also owned by the Hallbrook Office Center, LLC, zoned SD-O (Planned Office District).
- South: Directly to the south of the property is the Two Hallbrook Place, an office building within the Hallbrook Office Center, zoned SD-O (Planned Office District).
- East: Directly to the east of the property is State Line Road. On the east side of State Line Road is single family residential in the City of Kansas City, Missouri.
- West: West of the property, across from Overbrook Road is a single family house on land zoned AG (Agricultural).
LOCATION:

HISTORY:
- The Hallbrook Office Development began with an initial office building being constructed on the southwest corner of Overbrook Road and 111th Terrace with a total square footage of 84,385 on 10.38 acres and was approved by the Governing Body on December 20, 1999 (Resolution 1491).
- The second Hallbrook Office building was constructed across Overbrook Road to the east with a total square footage of 115,432 on 10.2 acres and was passed by the Governing Body on October 15, 2007 (Resolution 2900).

SITE PLAN COMMENTS:
- Three Hallbrook Place office development will consist of one 4-story office building that will have 119,853 square feet.
- The building is located at the southwest corner of College Blvd. and State Line Road.
- The proposed building will face the west, towards a large parking lot that also has 19 parking spaces facing College Blvd. A smaller parking lot is located on the south side of the building.
- The site slopes from the northeast to the southwest. There are drastic elevation changes along the northeast corner near the intersection of College Boulevard and State Line Road and near the detention basin in Tract A.
- The applicant is proposing a retaining wall along the northeast corner of the project area with a maximum height of 2.5’ tall, a retaining wall along the northern connection from the building and College Boulevard with a maximum height of 2.5’ tall, and a retaining wall along the south portion of the project area along the property line with a maximum height of 2.5’ tall.
- The site will be using Tract A for BMP’s for the new proposed office building and for the existing Two Hallbrook Place.
- Two walkways are proposed from Overbrook Road to the front façade of the office building. Two additional pedestrian walkways are proposed to the south and north of the building, providing a connections to State Line Road and College Boulevard.
• Two plaza areas (3,696 sq. ft.) are proposed with the project. One is located around the entrance of the building. A second is located at the northwest corner of the building, at the terminus of the pedestrian connection to Overbrook. Plaza areas will include seating amenities, landscaping and lighting per the Leawood Development Ordinance.

• Bicycle parking is proposed on the southwest corner of the building.

**BULK REGULATIONS:**

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<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Conformance</th>
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<tr>
<td>Front Setback (Building)</td>
<td>40’ + 10’ per story over 2 stories</td>
<td>60’</td>
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<tr>
<td>Front Setback (Parking)</td>
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<td>Rear Setback (Building)</td>
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<td>Rear Setback (Parking)</td>
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<td>Open Space</td>
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<td>Interior Open Space</td>
<td>10% (36,856 sq. ft.)</td>
<td>25% (92,274 sq. ft.)</td>
<td>Complies</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>0.25 Maximum</td>
<td>0.23</td>
<td>Complies</td>
</tr>
<tr>
<td>Height Limit</td>
<td>6 stories (Maximum 90’)</td>
<td>4 stories (58’)</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**INTERACT:**

• An Interact meeting was held on October 9, 2018. A summary of the meeting and sign in sheet is attached.

**PARKING:**

• Per the Leawood Development Ordinance, areas zoned SD-O have parking requirements of 3.0 to 4.0 parking spaces per 1,000 sq. ft., totaling 360-480 parking spaces for the project. The development is proposing 469 individual parking stalls, meeting the requirement.

**ELEVATIONS:**

• Final elevations and materials are to be reviewed at the time of Final Plan. The applicant has provided a preliminary elevation with preliminary materials.

• The building is four stories with a flat roofline. It will be constructed primarily of glass with an aluminum window wall system, metal panels, and masonry veneer.

• The trash enclosure is located along the south side of the proposed building and will be architecturally attached along with a proposed emergency generator.

• Rooftop utilities will be screened by a metal screen wall that will be at least as tall as the height of the utilities that it screens.

• The 4-story office building is proposed to be 58’ in height.

**SIGNAGE:**
- No signage is proposed with this application.
- Signage is approved administratively through a separate application.

**LANDSCAPING:**
- A general landscape plan was provided. Landscaping is reviewed and approved at the time of final plan application.
- Street trees are planned along State Line Road, College Boulevard, and Overbrook Road, at 1 tree per every 35’ on center.
- Additional landscaping is proposed along Overbrook Road, College Boulevard, and State Line Road including a mixture of street trees, shade trees, ornamental trees, and shrubs.
- Shade trees are located within the parking lot islands.
- The applicant will preserve the existing tree massing in Tract A, removing only underbrush and undesirable trees.
- Berms are proposed along the west property line to screen the parking lot from the public right-of-way.

**LIGHTING:**
- Lighting is reviewed and approved at the time of Final Plan application. At that time, the applicant shall be required to provide a photometric study and detailed information regarding all proposed light fixtures.

**PRELIMINARY PLAT:**
- A Preliminary Plat for Three Hallbrook Place was submitted for the lot closest to College Boulevard and State Line Road. The platted tract on the southwest corner of the proposed project area is not part of this Revised Preliminary Plat.
- The proposed lot will be 368,568 sq. ft. (8.46 acres).
- A permanent 10’ utility easement is located along the perimeter of the entire site.

**DEVATIONS:**
- The applicant is not requesting any deviations with this application.

**IMPACT FEES:**
- **PUBLIC ART IMPACT FEE:** The applicant/owner shall be responsible for a public art impact fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council, Planning Commission, and approved by the Governing Body at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $0.15/sq.ft. of finished floor area prior to issuance of a building permit. This amount is subject to change by Ordinance.
- **PARK IMPACT FEE:** The applicant shall be responsible for a Park Impact Fee in the amount of $0.15/sq. ft. of finished floor area prior to issuance of a building permit. This amount is subject to change by Ordinance.
- **STREET FEE:** The applicant/owner shall be responsible for a Street Fee of $311 per lineal foot of frontage along College Boulevard and State Line Road. This amount is subject to change by Ordinance.
GOLDEN CRITERIA:
The character of the neighborhood:
The area is characterized by an arterial street (State Line Road) and a single-family residential neighborhood to the east; an arterial street (College Boulevard) and an undeveloped land on the north; a collector street (Overbrook Road) and a lot zoned AG the west; and an office building within the same development to the south.

The zoning and uses of properties nearby:
- **North** Directly to the north of the property is College Blvd. On the north side of College Blvd. is an undeveloped lot that is also owned by the Hallbrook Office Center, LLC, zoned SD-O (Planned Office District).
- **South** Directly to the south of the property is the Two Hallbrook Place, an office building within the Hallbrook Office Center, zoned SD-O (Planned Office District).
- **East** Directly to the east of the property is State Line Road. On the east side of State Line Road is single family residential in the City of Kansas City, Missouri.
- **West** West of the property, across from Overbrook Road is a single family house on land zoned AG (Agricultural).

The Suitability of the subject property for uses to which it has been restricted:
The first building constructed within the Hallbrook Office Center was in 1998, which is a bank on the north of 112th Street and west of State Line Road. Two other office buildings have been constructed within the Hallbrook Office Center, one in 2000 and the other in 2008. The existing development within the Hallbrook Office Center is compatible with the proposed project. The property is surrounded on the north, east, and west by major streets: Overbrook Road to the west, College Boulevard on the north, and State Line Road to the east.

The time for which the property has been vacant:
The property is currently vacant, however the first building constructed within the Hallbrook Office Center was in 1998. Other office buildings constructed adjacent to the subject property were constructed in 2000 and 2008.

The extent to which removal of the restrictions will detrimentally affect nearby property:
Although the site is suitable for an office development, stipulations are necessary to ensure a high quality project that fits with the surrounding uses.

The relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed, if any, as a result of denial of the application:
Denial of the application will not result in a relative gain to the public health, safety, or welfare. The site is part of the Hallbrook Office Center.

The recommendation of the permanent staff:
Staff is recommending the case be recommended by the Planning Commission based on reasons outlined in the staff report.
Conformance of the requested change to the adopted master plan of the City of Leawood:
The Comprehensive Plan designates this site as Mixed Use. However based on the surrounding uses and fact that the property is part of the Hallbrook Office Center development, this designation is recommended to be changed to office with the next update of the Comprehensive Plan.

STAFF COMMENTS:
- Staff recommends to see a portion of the parking spaces land banked so as not to over-park the site at the present, but accommodate the additional parking if needed. If a lack of parking becomes an issue, the area that was land banked could then become parking. (Stipulation 9)
- At the time of Final Plan, all proposed building materials shall comply with Section 16-2-10.3, Materials and Colors, of the Leawood Development Ordinance. (Stipulation 10)
- Staff recommends an additional plaza area be constructed at the corner of College Boulevard and State Line Road to create a public amenity. (Stipulation 11)
- Staff recommends a 20' utility easement along State Line Road. (Stipulation 12)
- The applicant did not meet the scope required for a traffic study to be approved by the Public Works Department. The Applicant will be required to meet the traffic scope provided by the Public Works Department prior to the Governing Body meeting. (Stipulation 13)

STAFF RECOMMENDATION:
Staff recommends the Planning Commission approve Case 116-18 – Three Hallbrook Place – Request for approval of a Preliminary Plan and Preliminary Plat with the following stipulations:
1. The project is limited to a 4-story, 119,853 sq.ft. of office building on 8.46 acres for an SD-O zoning development FAR of 0.23.
2. The applicant/owner shall be responsible for:
   a) A public art impact fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council, Planning Commission and approved by the Governing Body at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $0.15/sq.ft. of finished floor area prior to issuance of a building permit. This amount is subject to change by Ordinance.
   b) A park impact fee in the amount of $0.15/ square foot of finished floor area is required prior to issuance of a building permit. This amount is subject to change.
   c) The applicant/owner shall be responsible for a Street Fee of $311 per lineal foot of frontage along College Boulevard and State Line Road. This amount is subject to change by Ordinance.
3. All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed underground. This must be done prior to final occupancy of any building within the project.
4. All utility boxes, not otherwise approved with the final development plan, with a height of less than 55 inches, a footprint of 15 sq.ft. in area or less, or a pad footprint of 15 sq.ft. in area or less, shall be installed only with the prior approval of the Director of Community Development as being in compliance with the Leawood Development Ordinance.
5. All utility boxes, not otherwise approved with the final development plan, with a height of 55 inches or greater, a footprint greater than 15 sq.ft. in area, or a pad footprint greater than 15 sq.ft. in area, shall be installed only with the prior recommendation of the Planning Commission as being in compliance with the Leawood Development Ordinance based on review of a site plan containing such final development plan information as may be required by the City, and approved by the Governing Body.
6. All buildings within this development shall conform to the architectural type, style, and scale of the buildings approved by the Governing Body at Final Plan.
7. Pedestrian crosswalks shall be demarcated across the entry drive ways to match the existing crosswalks within the Hallbrook Office Development.

8. In accordance with the Leawood Development Ordinance, all trash enclosures shall be screened from public view with a 6 foot solid masonry structure to match the materials used in the buildings and shall be architecturally attached to the individual buildings and accented with appropriate landscaping. The gates of the trash enclosures shall be painted, sight obscuring, decorative steel.

9. The applicant shall land bank the northern-most portion of the parking lot (19 spaces) along College Blvd. If it is determined by the applicant and the City of Leawood that the parking is needed, the applicant shall make an application for a Revised Final Plan to the City of Leawood for approval to allow the installation of the parking.

10. The metal paneling shown on the elevation plan shall meet the requirements of the Leawood Development Ordinance, Section 16-2-10.3.

11. A plaza/pavilion area shall be constructed on the southwest corner of the intersection of College Boulevard and State Line Road and shall meet the requirements of the Leawood Development Ordinance.

12. Applicant shall provide a 20’ utility easement along State Line Road.

13. The Applicant will be required to meet the traffic scope provided by the Public Works Department prior to the Governing Body meeting as noted in the Public Works Memo Dated October 18, 2018.

14. Per the Leawood Development Ordinance, all parking lot light fixtures associated with this project shall be a maximum of 18’ in height from grade, and inclusive of base.

15. Lighting plans, photometric studies and specific light fixtures shall be included in the Final Plan application.

16. Materials boards shall be submitted at the time of Final Plan application.

17. A model shall be submitted at the time of Final Plan application.

18. All downspouts shall be enclosed.

19. All rooftop equipment shall be screened from the public view with an architectural treatment, which is compatible with the building architecture. The architectural treatment screening the utilities shall be at least as tall as the utilities they are to screen.

20. The applicant shall obtain all approvals and permits from the Public Works Department, per the public works memo dated October 18, 2018, on file with the City of Leawood Planning and Development Department, prior to recording the plat.

21. The applicant shall obtain all approvals from the City of Leawood Fire Department, per the Fire Marshal’s memo dated October 17, 2018, on file with the City of Leawood Planning and Development Department, prior to issuance of a building permit.

22. The Owner/Applicant shall establish a funding mechanism to maintain, repair and/or replace all common areas and common area improvements including, but not limited to, streets, walls, and storm water system improvements. The mechanism will include a deed restriction running with each lot in the development that will mandate that each owner must contribute to the funding for such maintenance, repair and/or replacement and that each lot owner is jointly and severally liable for such maintenance, repair and/or replacement, and that the failure to maintain, repair or replace such common areas or common area improvements may result in the City of Leawood maintaining, repairing and replacing said common areas and/or improvements, and the cost incurred by the City of Leawood will be jointly and severally assessed against each lot, and will be the responsibility of the owner(s) of such lot.

23. This Preliminary Plan approval shall lapse in two years, if construction on the project has not begun or if such construction is not being diligently pursued; provided, however, that the developer may request a hearing before the Governing Body to request an extension of this time period. The Governing Body may grant one such extension for a maximum of 12 months for good cause shown by the developer.
24. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through twenty-four.
MEMORANDUM

Date: October 18, 2018

To: Richard Coleman, Director of Community Development

From: Brian Scovill, P.E., City Engineer
Department of Public Works

Re: Three Hallbrook Place – Preliminary Plan & Plat
Case Number: 116-18

The Department of Public Works has reviewed the aforementioned project and would like to make the following stipulations as part of the Planning Commission Approval:

1) The developer is using an existing storm water detention pond south-west of the proposed building. The detention pond is sized and planned for both Hallbrook Office Two building and Hallbrook Office Three building. It was built with Hallbrook Office Two.

2) The developer shall provide a sidewalk easement where the sidewalk is constructed outside of the Right-of-Way.

3) The developer shall provide a twenty (20) foot wide Utility Easement adjacent to the State Line Road Right-of-Way.

4) The developer shall address the following traffic comments prior to City Council:
   a) The submitted traffic study did not meet the agreed upon scope. The items not addressed are:
      i) **Scope item 4**: A review of proposed access was not provided. Additionally, vehicular queuing was not reviewed at signalized and unsignalized intersections.
      
      **This item has not been addressed. A summary of vehicle queuing is presented, but the report does not address proposed access spacing/location, geometrics, and turning movements. KDOT Access Management Policy should be used for review of access spacing, geometrics, and turn lane recommendations.**
b) The 9th edition of the ITE Trip Generation Manual was used for estimation of development trips. The current edition of this manual is the 10th edition and should be used for analysis.

i) A review of 10th edition to 9th edition indicates that the 10th edition may reflect fewer trips to be generated for the proposed development type and size.

ii) The average rate was used for daily trip generation calculation. With an R^2 value of 0.83 (referencing the 10th edition), the equation may be a better indicator of proposed daily trip generation. The use of the equation or average rate for daily calculation does not impact analysis or study results.

*This comment has not been addressed in the report. Page 4 references use of the 9th Edition.*

c) Trip distribution: It appears existing volumes were used for trip distribution without application of engineering judgement (i.e., 13% of development trips during the AM peak are expected to travel northbound on Overbrook at 112th, 15% of development trips during the PM peak are expected to travel southbound along Overbrook at 112th). Is this distribution reasonable considering an office is typically a more regional generator? Modifications to trip distribution percentages would not be expected to significantly impact operations but may impact the estimated number of trips using Overbrook south of 112th.

*This comment has not been addressed in the report or correspondence from the Engineer.*

d) Trip distribution: For existing plus development, no exiting trips were illustrated using the north drive for the westbound left-turn movement for the AM period. This will not significantly impact operations, but some trips would be anticipated to use the north drive to exit the site making the westbound left-turn movement.

*This comment has not been addressed in the report or correspondence from the Engineer.*

e) Vehicular analysis was conducted presenting Synchro 10 analysis results (ICU). Analysis should be presented using HCS analysis, 6th Edition.

*It appears that vehicular analysis was conducted using ICU, not HCS. Engineer should provide justification for presenting ICU, City of Leawood preference is HCS analysis, latest edition.*

f) Queueing reports were not provided in the appendix for unsignalized intersections.

*Not addressed. Queueing reports have not been provided for unsignalized intersections. A discussion of unsignalized intersection queuing is provided on page 7 of the report and indicates 95th percentile queuing of less than one vehicle.*
g) A peak hour factor (PHF) of 0.92 was used for all new intersections (North and South Drive).

*Not addressed, the same approach was used in re-submittal.*

h) Signal timings appear to have been modified for existing plus development (PM scenario at College and Overbrook) and future (both signalized intersections). To provide consistent analysis, signal timings should not be modified. If modifications are recommended it should be addressed in the report as a recommendation.

i) Flashing yellow arrow (FYA) are provided for the northbound and southbound left-turn movements at the intersection of State Line Road and 112th. This is not reflected in the signal analysis.

*Not addressed. Signal analysis was conducted assuming a left-turn permitted movement for northbound and southbound movements.*

ii) It does not appear that current signal timings were used for analysis. The cycle length of the intersections should be the current cycle length at College Boulevard and State Line Road.

*Not addressed. Signal timings do not appear to have been updated based on information provided in the appendix.*

5) Permanent structures, including monument signs, shall not be placed within the Right-of-Way or Public Easements

6) The developer shall provide as-built storm sewer information in accordance with our standards. This includes, but is not limited to, vertical and horizontal coordinates of all structures constructed or modified, flow line information at each structure, pipe size information, downstream structure numbers and type of structure. This information shall be provided to us on the Johnson County AIMS coordinate system. The spreadsheet for the data will be provided to the developer after the storm sewer improvements have been completed.

7) The Developer agrees to repair any damaged areas between the roadway and the Right-of-Way and Easements. This shall include street lighting equipment, traffic signal equipment, sidewalks, storm sewers, grass, etc.

8) The developer shall obtain and submit to the Department of Public Works and the Building Official a copy of the NPDES Land Disturbance Permit issued by the Kansas Department of Health and Environment prior to any grading work at the site.

9) The Temporary Certificate of Occupancy will not be approved until the above requirements have been met.

If you have any questions, please call me at (913) 339-6700, extension 134.
Richard Sanchez

From: Gene Hunter
Sent: Wednesday, October 17, 2018 2:58 PM
To: Richard Sanchez
Subject: RE: Case 116-18 Three Hallbrook Place

The Fire Department has no objection to this plan.

Gene Hunter, Leawood Fire Marshal

From: Richard Sanchez
Sent: Wednesday, October 17, 2018 10:30 AM
To: Gene Hunter <geneh@leawood.org>
Subject: Case 116-18 Three Hallbrook Place
Good morning Ricky. We held our InterAct meeting last night for the Three Hallbrook Place project. We had 3 guests attend per the attached sign-in sheet. Also attached is the presentation I shared with the group. The 3 guests were complimentary of the proposed development and they only asked a couple questions:

- What is the height of the Office building in relations to State Line Road.
- Why the Office building was located at the corner versus mid-site.

Attending from our team were as follows:

- David Rezac – VanTrust
- Corey Biggs – Chinquapin Trust Company
- Sandy Price – Burns & McDonnell
- Judd Claussen – Phelps Engineering

Please let me know if you have any questions or need anything else from us. Hopefully these notes suffice as our summary of the InterAct meeting!

Thanks.

David W. Rezac AIA
VICE PRESIDENT, DEVELOPMENT
O 816.569.1441  D 816.569.1472  C 816.695.8492
E david.rezac@vantrustre.com
A 4900 Main St, Suite 400, Kansas City, MO 64112
W vantrustre.com
THREE HALLBROOK PLACE

INTERACT Meeting
October 9, 2018

Sign In Sheet

<table>
<thead>
<tr>
<th>Name (please print)</th>
<th>Street Address</th>
<th>Phone/Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joe Huber</td>
<td>11357 Granada Court</td>
<td>816-591-7771</td>
</tr>
<tr>
<td>Susan Goldstein</td>
<td>5409 W 120th St</td>
<td>913-491-3118</td>
</tr>
<tr>
<td>Myron Goldstein</td>
<td>3709 W 120 St</td>
<td>816-520-8472</td>
</tr>
</tbody>
</table>

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Know what’s below. Call before you dig.
Know what's below before you dig.
Hallbrook Place III - Office Building
1/16" = 1'-0"

N 1/16" = 1'-0"
Preliminary Stormwater Treatment Plan

Three Hallbrook Place
Commercial Office Building

SW Corner College Blvd and State Line Road
Leawood, Johnson County, Kansas

Prepared by:

Consultant: PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, KS 66061
(913)393-1155

Developer: Van Trust Real Estate LLC
4900 Main Street, #400
Kansas City, MO 64112

PEI #180761
October 15, 2018
October 15, 2018

Mr. David Ley, P.E.
City Engineer
City of Leawood, Kansas
4800 Town Center Drive
Leawood, KS 66211

Re: Preliminary Stormwater Treatment Plan
Three Hallbrook Place
PEI #180761

Dear Mr. Ley:

Executive Summary
PEI is pleased to submit this Preliminary Stormwater Treatment Plan for the above referenced project. The proposed project includes a new 4-story office building and parking lot on 8.46 acres. The site was previously included in the approved “Hallbrook Office City” stormwater study prepared by Continental Consulting Engineers, Inc. on July 25, 2007. The previously approved study has been included in Appendix B of this report.

Existing Site Soil Conditions
Soils data for the site watershed was determined using the NRCS Web Soil Survey for Johnson County. The site watershed primarily consists of Sogn-Vinland complex, Martin silty clay loam, and Chillicothe silt loam which designates the site as Hydrologic Soil Group (HSG) D. The site watershed soil properties can be found in Appendix A of this report.

Detention Requirements
Per the previously approved 2007 Stormwater Study, an existing detention basin and outlet structure was previously constructed directly southwest of the proposed development. The proposed development was included as part of the design of the existing detention basin with an assumed composite curve number of 93.2. The proposed development shall discharge to the existing detention basin and results in a composite CN of 90.0. Therefore, no additional detention shall be provided with this development. See Appendix A of this report for the proposed curve number calculations.
Memo

To:        City of Leawood Planning Commission
From:      Mark A. Klein, Planning Official
CC:        Richard Coleman, Director of Community Development
Date of Meeting:  October 23, 2018
Date of Memo:   September 26, 2018
Re:        Case 113-18, Leawood Development Ordinance Amendment to Section 16-2-5.3, R-1 (Planned Single Family Low Density Residential District) (15,000 Sq. Feet Per Dwelling) pertaining to side yard exceptions. **PUBLIC HEARING**

The attached Leawood Development Ordinance amendment clarifies Section 16-2-5.3(D) regarding exceptions to the required side yard setback of 15 ft. for additions to legally constructed homes within the R-1 district, which have a setback less than 15 ft. The current Leawood Development Ordinance, which was adopted in 2002, as did the previous Leawood Development Ordinance, provides for exceptions to the 15 ft. side setback if approved by the Board of Zoning Appeals. This exception is in recognition that many homes constructed within Leawood, particularly north of I-435, were built at a time when the required side yard setback was less than 15 ft. within the R-1 zoning district.

Currently the Leawood Development Ordinance allows the Board of Zoning Appeals to grant an exception to the required side yard setback for additions to existing structures, after notice and public hearing, and provided that a determination is made that such exception shall not cause adverse impact on surrounding properties and that the following conditions are met:

a) The existing structure was legally constructed with a side setback of less than 15 feet; and
b) In no case shall the existing structure and any proposed addition be any closer than 10 feet to the property line; and

   c) The proposed addition will be continuous and consistent with the existing side build line of the existing structure; and
   d) The proposed addition shall not cause further encroachment than that of the existing structure.

As currently written for there to be an Exception rather than a Variance to the side yard within the R-1 district, the proposed addition and existing home must be setback from the side property line by 10 ft. or more, and the addition must be continuous with the existing structure. If either the addition or the existing house has a side yard setback of less than a 10 ft., a Variance is needed.

Many legally constructed homes within the City of Leawood have a side yard setback that is less than 10 ft., and the Board of Zoning Appeals often gets applications for variances to the side yard setback for additions to these homes. This Leawood Development Ordinance amendment proposes allow the Board of Zoning
Appeals to grant side yard exceptions for additions to legally constructed homes that are setback less than 10 ft., provided that the addition does not extend beyond the existing side build line of the existing home. It also removes the requirement from the exception that the addition must be continuous with the existing structure.

In addition, the amendment proposes two other clarifications:

a) It removes a reference to the definition of rebuild as contained in Subsection E, because Subsection E does not contain a definition of rebuild. A definition of “rebuild” is already provided within Section 16-2-5.3(D), which is the same section that is being amended with this application.

b) It adds a reference to an existing figure (Figure B), which illustrates “midpoints” referenced in this section.
A) General Purpose and Description: Property zoned and developed as R-1 Planned Single Family Residential shall provide for single family detached dwellings and other selected uses which are compatible with the low density residential character of this district while preserving the character of the existing neighborhoods within the district, each having their own characteristic lot size and residential architecture. Redevelopment in this District shall be subject to such additional regulations as may be necessary to preserve the unique character of the specific neighborhood. Property zoned R-1 should be those tracts that correspond to the low density land use category identified in the Comprehensive Plan.

B) Principal Permitted, Planned and Special Uses: Only the uses specified as authorized in “R-1” in the Table of Uses 16-2-7 are permitted principal uses in the R-1 District. All uses and any erection, construction, relocation, or alteration of any structure or building are subject to the requirements of this District and shall further be subject to all other requirements of this Ordinance except as may be expressly exempted.

C) Accessory Uses: Accessory Uses in this district are governed by 16-4-1 of this Ordinance.

D) Bulk Regulations:

For purposes of this Section of this Ordinance, the following terms shall have the meanings as set forth below:

**Average Single-Family Floor Area Ratio** – 0.23

**Base Lot Area** – 15,000 sq. ft.

**Base Lot Depth** – The base lot depth is calculated by dividing the minimum lot area required per the bulk regulations below by the minimum lot width required per the bulk regulations below. In an R-1 district, this calculation is 15,000/100=150.

**Garage Allowance** - 450 sq.ft.

**Lot Depth** - The lot depth is the measurement from the front property line to the rear property line. For non-rectangular lots, lot depth will be calculated by measuring the distance from the midpoint of the front lot line to both the point on the rear lot line that is closest and that which is the farthest away. The average of these two measurements will then be taken to determine the lot depth.

**Lot Width** - The horizontal distance between the side property lines measured at the required front yard setback line.

**New** – A dwelling that is constructed on a lot upon which a dwelling has never existed.

**Rebuild** – A dwelling that is constructed on a lot upon which a dwelling has previously existed.

**Remodel** – Any improvement to the exterior or interior of a dwelling that requires a building permit, including construction that increases the size of a dwelling in terms of height, length, width or total floor area.

**Single Story Dwelling** – A dwelling which has no habitable living space above the floor on which the main entrance is located.

**Square Footage** – The livable area of a dwelling excluding any basement area.

**Two-Story Dwelling** – A dwelling wherein there is a habitable living space above the floor on which the main entrance is located.
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum Distance/Area</th>
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<tbody>
<tr>
<td>Front Setback:</td>
<td>35 feet, unless the setback regulations in Section 16-2-4.5 apply. In addition, no rebuild, as defined in Subsection E below, shall be permitted to have a front setback greater than the average of the midpoints (50% of the depth) of the adjacent homes facing the same street on either side of the subject property. Midpoints will be calculated by determining the distance from the front property line to the midpoint of the dwelling along the side directly adjacent to the subject lot. See Figure B below. In addition, the Board of Zoning Appeals shall have the power to grant an exception to the required Front Setback for the addition of a non-enclosed front entryway to an existing structure, after notice and public hearing as provided for in Section 16-5-3, and upon a determination that such exception shall not cause adverse impact on surrounding properties and that the following conditions are met: a) The existing structure was legally constructed and the structure meets the required front yard setback; and b) The proposed entryway addition is no larger than 75 sq. ft., and protrudes into the required setback by no more than 6 feet; and c) The proposed entryway addition will be architecturally attached to and be constructed of the same materials as the primary residence; and d) The exception is necessary to allow for the entryway improvement to be made.</td>
</tr>
<tr>
<td>Side Setback:</td>
<td>15 feet; except that the Board of Zoning Appeals shall have the power to grant an exception to the required Side Setback for additions to existing structures, after notice and public hearing as provided for in Section 16-5-3, and upon a determination that such exception shall not cause adverse impact on surrounding properties and that the following conditions are met: a) The existing structure was legally constructed with a Side Setback of less than 15 feet; and b) In no case shall the existing structure and any proposed addition be any closer than 10 feet to the property line; and c) The proposed addition shall be continuous and consistent with the existing side build line of the existing structure; and d) The proposed addition shall not cause further encroachment than that of the existing structure.</td>
</tr>
<tr>
<td>Corner Lot Side Setback:</td>
<td>30 feet</td>
</tr>
<tr>
<td>Rear Setback:</td>
<td>For lots that have a depth of 150 feet or less, 30 feet. For lots that have a depth of more than 150 feet, the rear yard setback shall be calculated using the following formula: 70% x (Lot depth-150) + 30. If the dwelling has a front setback greater than the front setback required...</td>
</tr>
</tbody>
</table>
**Requirement** | **Minimum Distance/Area**
--- | ---
 | per these bulk regulation or the requirement contained in Section 16-2-4.5 of this Ordinance, then the rear setback shall be reduced by an amount equal to the difference between the actual front setback and the required minimum front setback; provided in no circumstance shall the rear setback be less than 30 feet.

Irregular Lot Rear Setbacks: | On lots, with an irregular rear property line, with a primary structure placed at approximately a 45 degree angle toward the street or lots other than generally rectangular shape, the rear yard setback shall have an average distance of 30 feet. This setback shall be determined by extending the sidewalls of the structure to the rear property line and calculating the square footage within the area between the rear walls, the side extensions and the rear property line(s). This figure will then be divided by the distance between the extended sidewalk lines. This will give the average depth of the area enclosed and this must be equal to or greater than 30 feet. In no case shall the structure be located less than 15 feet from any property line.

Lot Area; existing lots: | 15,000 square feet per dwelling

Lot Area; new lots: | The greater of 15,000 sq. ft. or the average (up to a maximum of 1 acre) of all lot sizes within 300 feet of any lot line. For the purposes of this calculation, only lots within the municipal boundary of the City of Leawood shall be included.

Lot Frontage: | 100 feet

Minimum Lot Width: | 100 feet as measured at the front setback

Height Limit: | 35 feet as measured at grade at the front door, unless one of the restrictions or exceptions outlined in Subsection E below should apply.

Maximum Square Footage | The maximum square footage allowed for any single family residential structure shall be determined by the following formula: (.23 x Base Lot Area x (Lot Width/Minimum Lot Width) x (Lot Depth/Base Lot Depth)) + Garage Allowance

Open Space | 30% of lot area

*Lots created after the effective date of this Ordinance.

E) Restrictions on Height. The maximum height of a dwelling shall be further limited as follows:

1) Additional Restrictions.

   a. Rebuilt or Remodeled Dwellings other than those situated between two Two-Story Dwellings: The maximum height of the exterior wall at the side-yard setback shall not exceed 23 feet in height as measured from the front door elevation; provided, that for each additional foot of setback, one additional foot of height may be added up to thirty
feet. Provided, that the total height of the dwelling shall not exceed 30 feet as measured at grade at the front door.

b. Rebuilt or Remodeled Dwellings situated between two Two-Story Dwellings: If the Rebuilt or Remodeled dwelling has two story dwellings on either side, then the maximum height of the exterior wall adjacent at the side-yard setback shall not exceed 23 feet in height as measured from the front door elevation; provided, that for each additional foot of setback, one additional foot of height may be added, provided, the subject dwelling shall not be greater than the taller of the two adjacent dwellings. If one of the adjacent dwelling received an adjustment in height as provided in Subsection F below, then such adjustment shall be subtracted from the height of the adjacent dwelling for purposes of determining the allowed height for the subject dwelling.

c. If the Rebuilt or Remodeled dwelling is situated on a corner lot, then the above guidelines shall apply using the dwellings on the two nearest abutting lots on either side of the subject dwelling to determine the height limit. See Figure A below.

2) Rebuilt or Remodeled Dwelling Height Limit Modified. In all cases, however, a rebuilt or remodeled dwelling may be built to the dimensions of the previous dwelling existing prior to the demolition or destruction. In addition, an increase in height may be granted at a rate of 1 foot for every 1 foot in side yard setback provided above the minimum side yard setback required, up to a maximum of 3 feet.

F) Board of Zoning Appeals Authorized to Grant Exceptions. The Board of Zoning Appeals shall have the power to grant an exception to the above stated height and bulk restrictions for, rebuilt or remodeled dwellings, after notice and public hearing as provided for in Section 16-5-3, and upon a determination that such exception shall not cause adverse impact on surrounding properties, and that the following conditions are met:

1) Exception for Height Limit:
   a. The additional height allowed shall not be more than 2 feet for a maximum height of 37 feet for instances where the 35 foot height limit applies and 32 feet for instances where the 30 foot height limit applies; and
   b. The dwelling has not already received the height increase allowed in Subsection E above for additional side yard setback provided; and
   c. The grade of the subject lot is such that applying the height limit restrictions contained in Subsection E above would cause a hardship on the applicant in light of the proposed design of the applicant’s dwelling and the design of the neighboring dwellings; and
   d. The proposed height of the, rebuilt or remodeled dwelling shall reflect the character of the other surrounding dwellings in the neighborhood.

2) Exception for Maximum Square Footage:
   a. The additional square footage allowed shall not be more than 20 percent of the maximum square footage allowed pursuant to this Ordinance; and
   b. The proposed size of the rebuilt or remodeled dwelling shall reflect the character of the other surrounding dwellings in the neighborhood.

G) Grade Change. The natural grade of the lot on which the, rebuilt or remodeled dwelling is to be placed shall not be vertically altered by more than 1 foot, unless the alteration is to provide
compliance with storm and waste water regulations or guidelines. Provided, such alteration to the natural grade of the lot of more than 1 foot shall not exceed the most stringent grading standard that will provide compliance with the City’s storm and waste water regulations, and any such alteration shall first be approved in writing by the City Engineer.

H) Sewage Disposal: Connection to a sanitary sewer system is required.

**Figure A**

**Figure B:**

(Ord. 2475, 12-20-10)
(Ord. 2478, 12-20-10)
(Ord. 2869, 11-28-17)